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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1994

Addendum

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND SUPPLEMENTARY REPORT ON THE DEPENDENT TERRITORIES: HONG KONG

/14 February 1996/

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CONVENTION ON THE RIGHTS OF THE CHILD

Initial Report of the United Kingdom of Great Britain and Northern Ireland in respect of Hong Kong

I. GENERAL MEASURES OF IMPLEMENTATION

Article 4 - Implementation of rights

Harmonising national law and policy with the provisions of the Convention

1. Prior to the extension of the Convention to Hong Kong, on 7 September 1994, the key legislative initiative undertaken that harmonises Hong Kong law with the Convention was the enactment of the Parent and Child Ordinance (Chapter 429). The Ordinance removed legal disadvantages that were previously applied to illegitimate children. It provides that in all legislation and future documents, whether private or public, references to relationships between two persons shall be construed without regard to illegitimacy, unless this is expressly provided for. Consequential amendments were made to some seven other Ordinances to place illegitimate children on an equal footing with legitimate children.

2. No other legislative changes were considered necessary for the Convention to be extended to Hong Kong in the manner provided for in the United Kingdom's instrument of extension. The Hong Kong Government recognises that there is a continuing need to ensure that the aims of legislation relevant to the Convention are fully implemented. It also recognises that such legislation should be subject to review so that consideration can be given to proposals for its amendment aimed at enhancing

implementation of the Convention. The Adoption Ordinance (Chapter 290) is currently subject to just such a review by a working group established by the Health and Welfare Branch. Details are given in paragraph 192 below, in connection with Article 21 of the Convention.

3. Existing Hong Kong Government policies of relevance to the Convention, such as those on the provision of health, welfare and educational services, were also considered to be in general conformity with the Convention as it was applied to Hong Kong. The Hong Kong Government recognises the need to keep such policies under close scrutiny to ensure that they continue to provide a suitable level of protection for the rights set out in the Convention and are adapted to meet the changing needs and aspirations of the community. Central to the process of policy review and development is the Hong Kong Government's consultation with interested parties, including the Legislative Council, and canvassing of expert advice through the network of advisory boards and committees. Details are given in paragraphs 5 to 17 below.

Child Ordinance and Child Policy

4. Some members of the community have advocated the introduction of a discrete "Child Ordinance". The Hong Kong Government considers this to be unnecessary. Hong Kong already has a comprehensive network of legislation and welfare and professional services dedicated to protecting the rights of children and promoting their interests. Rather than gathering together all the relevant legislative provisions into a single Ordinance, the Hong Kong Government's efforts are better directed at implementing the existing provisions and improving

them where necessary. Similarly, the Hong Kong Government sees no necessity for a distinct child policy. It does not believe that this would result in a significant improvement on the current approach of ensuring that promotion of the child's best interests is a guiding principle of all policies which affect children.

Co-ordinating children's policies and monitoring implementation of the Convention

Government working groups, advisory boards and committees

5. Child-related policies and child-related legislation generally have a bearing on a wide spectrum of policy areas. To co-ordinate action on particular child-related matters, inter-departmental or inter-branch working groups are established as required. The Hong Kong Government's network of advisory boards and committees provides an effective channel of communication for NGOs, and other concerned parties and individuals, to give advice on improving the protection currently afforded to children and on the promotion of their rights. Details of Government working groups, advisory boards and committees whose functions are relevant to the implementation of the Convention are given in the following paragraphs.

Welfare

Social Welfare Advisory Committee

6. The Social Welfare Advisory Committee is appointed by the Governor to advise the Hong Kong Government (through the Secretary for Health and Welfare) on all social welfare policy matters and to monitor the development and provision of welfare services. Its membership includes the Secretary for Health and Welfare, the Director of Social Welfare and non-officials from a wide range of sectors of the community.

Working Group on Services for Youth at Risk

7. The Working Group on Services for Youth at Risk, is established under the aegis of the Co-ordinating Committee for the Welfare of Children and Youth at Risk, which is chaired by the Director of Social Welfare. The Working Group, which is chaired by the director of social welfare, comprises representatives from concerned Government branches and departments. The Working Group co-ordinates efforts in examining youth problems and recommends services for young persons at risk. Examples of issues discussed are teenage suicide, the illicit use of drugs and teenage sexuality.

Working Group on Battered Spouses

8. The Social Welfare Department's Working Group on Battered Spouses aims to strengthen co-ordination and co-operation between Government and non-Government sectors in tackling spousal abuse. Members include representatives from the Hospital Authority, concerned Government departments, and non-governmental welfare organisations involved in handling battered spouse cases. The Working Group has examined existing social services for battered spouses and their children, and is drawing up a set of multi-disciplinary guidelines for handling battered spouse cases with a view to promoting co-ordinated efforts by practitioners to ensure that the needs of battered spouses, as well as of their children, can be better taken care of. The Working Group is also working on a publicity and public education plan to address the problem of battered spouses and advise victims on the assistance available.

Working Group on Child Abuse

9. The Working Group on Child Abuse also functions under the auspices of the Co-ordinating Committee for the Welfare of Children and Youth At Risk. It advises the Hong Kong Government on measures to tackle child abuse. The Working Group, which is chaired by the Director of Social Welfare, co-ordinates multi-disciplinary efforts in child protective services, monitors progress and examines new issues concerning child abuse. Major tasks of the Working Group include the setting up of multi-disciplinary district committees, the launching of public education programmes and the revision of procedures in handling child abuse cases. Further details on the Working Group are given in paragraph 201 below, in connection with Articles 19 and 39 of the Convention.

Commission on Youth

10. The Commission on Youth set up in 1990 advises the Hong Kong Government on measures to promote the well-being of young people. "Youth" is defined as consisting of persons between the ages of 15 and 24 years with an additional five years flexibility at each end, i.e. from ten to 29 years of age. Membership of the Commission is drawn from a wide cross-section of the community, including persons involved closely in youth-related matters in the social welfare, academic, education, and sports and recreation sectors. In addition, representatives from five policy branches of the Hong Kong Government also serve on the Commission. The Commission's "Charter for Youth" enunciates important principles and ideals on youth development and provides a reference point for parties that subscribe to it. One of the tasks of the Commission is to

encourage better co-operation between the Government departments, voluntary agencies, district organisations and private organisations involved in youth service provision. The Commission also initiates research aimed at providing information to policy makers. Since its establishment, the Commission has closely examined a large number of issues concerning young persons, including youth participation in community activities, supportive systems for youth, under-age drinking and the classification of films and publications. Recommendations by the working groups, such as to set up district youth committees and to strengthen the control on alcohol advertising and on the publication of indecent articles, have been favourably received.

Rehabilitation Advisory Committee

11. The Rehabilitation Advisory Committee is the principal advisory body to the Hong Kong Government on the development and implementation of rehabilitation policies and services for persons with a disability, including children. It co-ordinates the provision of rehabilitation services between Hong Kong Government departments and voluntary organisations, ensures that available resources are put to their best use and makes recommendations on the training of rehabilitation workers. The Committee is chaired by a non-official and comprises representatives from concerned Government branches and departments as well as relevant non-governmental personalities from the rehabilitation field.

Rehabilitation Programme Plan Review Committee

12. The Rehabilitation Programme Plan Review Committee is chaired by the Commissioner for Rehabilitation. It is convened

every three years. The Committee includes officials from relevant Government departments and representatives from major service providers in the rehabilitation field. Its main aim is to project the demand for and provisions of services for disabled persons (including children) over the following five years.

Juvenile justice

Fight Crime Committee

13. The Fight Crime Committee co-ordinates efforts to reduce crime by liaison between Government departments, agencies and the public. It recommends legislative and administrative measures to fight crime and reports annually to the Governor.

The Standing Committee on Young Offenders

14. The Standing Committee on Young Offenders, a sub-committee of the Fight Crime Committee, is chaired by the Secretary for Security and comprises representatives from various Government departments together with three non-official members. Its terms of reference are:

- o to recommend to the Fight Crime Committee ways of deterring potential young offenders;
- o to advise the Fight Crime Committee on improvements to the treatment of young offenders;
- o to monitor the work of the Young Offenders Assessment Panel and consider any suggestions for improvement in the rehabilitation of young offenders forwarded by the Panel.

The Young Offenders Assessment Panel

15. The Young Offenders Assessment Panel, which comprises professionals directly involved in working with young offenders, was jointly set up by the Correctional Services Department and the Social Welfare Department in April 1987. It aims to improve the treatment of young offenders between the ages of 14 and 25 years by providing professional advice to Magistrates in the sentencing of convicted young offenders. The Panel submits regular reports to the Standing Committee on Young Offenders.

Education

The Board of Education

16. The Board of Education, established in 1920, is a statutory body tasked with advising the Hong Kong Government, through the Director of Education, on educational matters. The Board has recently conducted an overall review of kindergarten education in Hong Kong. As a result, the Hong Kong Government has introduced improvement measures. They include the provision of direct subsidies to eligible kindergartens and upgrading the training and qualifications of kindergarten teachers. The Board is conducting review studies on the provision of special education for children with special educational needs and the implementation of nine-year compulsory education for children aged between six and 15 years. In giving advice, the Board draws on the expertise of specialist advisory committees, the chairpersons of which are *ex officio* members of the Board. Other members are drawn from tertiary or post-secondary institutions, business circles and other professions.

Working Party on Kindergarten Education

17. The Working Party on Kindergarten Education was re-constituted in January 1995 with a view to examining the practicalities of unifying pre-primary services and improving the quality of service. Pre-primary services include those provided by those kindergartens registered with the Education Department and offered by child care centres registered with the Social Welfare Department. Issues to be discussed include harmonisation of staff qualification requirements, training programmes and curriculum guidance. Members of the Working Party include representatives from the training institutes, non-profit-making and profit-making kindergartens, the child care sector and relevant Government branches and departments.

Inter-branch and inter-departmental liaison

18. Regular consultation among Government policy branches and departments ensures that the full effects and implications of amendments to existing legislation, new legislation and new initiatives related to children, are understood. Policy Secretaries (i.e. the officials who head the policy branches of he officials who head the policy branches of the Hong Kong Government) are aware of the application of the Convention to Hong Kong and the need for strict compliance with it. They are reminded regularly to take the Convention into consideration in policy formulation, the drafting of new legislation and considering legislative amendments. Any person who considers that the Convention is not being properly implemented or is being contravened in some regard may direct his or her complaint to Home Affairs Branch, which plays an overall co-ordinating role for the Convention, or to the specific policy branch concerned.

19. Some members of the community have proposed the creation of an independent Children's Commission. The Hong Kong Government considers this unnecessary and undesirable because:

- Government departments already work closely together to formulate and implement policies affecting children;
- the range of policies and services affecting children is too wide for a single committee to manage; and
- existing advisory committees and working groups already provide effective channels of communication for those involved in child-related issues.

B. Article 42 - Dissemination of the Convention

Measures to publicise the principles and provisions of the Convention

20. The Hong Kong Government has published the Convention in booklet form, in both Chinese and English, to promote awareness and understanding of its provisions. About 4,000 copies of the booklet have been distributed to the public through district offices, civic education exhibitions and child and youth conferences.

Human rights education

21. Publicity for children's rights is part of the human rights publicity campaign undertaken by the Hong Kong Government. In 1992, the Committee on the Promotion of Civic Education (the Committee) established a Human Rights Education

Sub-Committee to promote public understanding and respect for human rights. Human rights, including children's rights, have been promoted through various channels. (Details of the background and achievement of the Human Rights Education Sub-Committee are given in Part IV of the Core Document ("the country profile") for Hong Kong, which the Committee will have before it.) Teaching materials, including teaching kits, comic books and a video for secondary students have been produced. A comic book on the Convention is being co-produced by the Hong Kong Government and the Hong Kong Committee on the United Nations Children's Fund for distribution to civic education bodies, voluntary agencies, schools and the general public. Territory-wide projects have been organised, including an annual Civic Education Day and an annual Civic Education Exhibition. There have also been human rights-related seminars, workshops, competitions, television and radio programmes. (Details of programmes and initiatives to promote awareness of children's rights are given in Appendix 1 to this report.)

22. Human rights education materials, including United Nations publications are available to the public at the Civic Education Resource Centre established by the Committee. A collection of human rights publications, human rights teaching kits, display material, and audio and video tapes on human rights are also available. It is open to the general public free of charge during office hours and welcomes visits by schools and voluntary groups.

Briefing sessions for social workers and clinical psychologists

23. To familiarise social workers and related professionals in the welfare field with the provisions of the Convention on the Rights of the Child and their implications for service provision, two briefing sessions were organised in 1995. Apart from sharing experience of the implementation of the various articles relevant to social welfare, participants exchanged views on how services could be further strengthened and developed to promote the welfare and interests of the child.

C. Article 44 - Making the report available

24. The United Kingdom Government is responsible for submitting reports in respect of Hong Kong under various human rights treaties, including the Convention on the Rights of the Child. It does so on the basis of drafts prepared by the Hong Kong Government. In preparing the draft of the present report, the Hong Kong Government drew on information from internal and outside sources and the views of the Legislative Council, non-governmental organisations and concerned individuals on the state of implementation of the Convention. The relevant parts of the report seek to give due regard to the views received. The report will be tabled before the Legislative Council and made public once it has been submitted to the Committee. Copies will be deposited in public libraries for public inspection.

II. DEFINITION OF THE CHILD

Age of majority

25. The Age of Majority (Related Provisions) Ordinance (Chapter 410) provides for a person generally to attain majority at the age of 18. Consequential legislative amendments have been made to enable a person who has attained the age of 18 years to make testamentary dispositions, act as a co-trustee and guarantor, be qualified to assume the duties of a company director and enter contracts.

Being a party to legal proceedings

26. The Rules of the Supreme Court provide that a person under 18 cannot sue or be sued in his own name in civil proceedings: he sues by his "next friend" and is sued in the name of his "guardian *ad litem*". The minimum age for applying for legal aid is 18 years. For persons under that age, legal aid can be applied for by a next friend or a guardian *ad litem*.

Consent to medical treatment

27. The law provides that a child can give valid consent to medical treatment only in certain circumstances. Generally, parental consent is required to be given on behalf of the child. In an emergency situation, a doctor may administer treatment without parental consent. The absence of consent in other situations may render the doctor liable for trespass to the person. A child assessed as having sufficient understanding and intelligence to understand fully the nature of the proposed treatment can give valid consent. In assessing a child's comprehension, the doctor concerned takes into account all relevant circumstances. These include the child's age, the

nature of the treatment, and the complexity of the procedure and its likely consequences. Even where a child is considered competent to give consent, he or she is encouraged to make such a decision in collaboration with parents or guardians. Where the child's consent is the only consent given, the nature and extent of the proposed treatment and the risks involved are carefully explained by the doctor.

28. If necessary, a doctor or social worker may instigate proceedings under the Supreme Court Ordinance (Chapter 4) to make the child a ward of the court in order that the court may make decisions on the child's medical treatment.

Compulsory education

29. All children aged between six and 15 years are required by law to attend school. Parents whose children breach this requirement face prosecution. Further details on compulsory education are given in paragraphs 320 and 321 below, in connection with Article 28 of the Convention.

Employment

30. The employment of persons under the age of 18 years is regulated by various Ordinances and Regulations. Details of these are given in paragraphs 424 and 425 below, in connection with Article 32 of the Convention.

Sexual consent

31. Under the Crimes Ordinance (Chapter 200), the minimum age of consent for sexual acts is 16 years for heterosexual acts and 21 years for homosexual acts.

Marriage

32. The Marriage Ordinance (Chapter 181) provides that the minimum age at which persons may marry is 16 years. Parental consent is required if the person intending to marry is under the age of 21 years. Further details are given in paragraph 141 below, in connection with Article 5 of the Convention.

Enlistment in armed forces

33. There is no conscription into armed forces in Hong Kong. The United Kingdom is responsible for the defence of Hong Kong. After its resumption of sovereignty in 1997, the People's Republic of China will have this responsibility.

Giving evidence in court

34. The Criminal Procedure Ordinance (Chapter 221) and the Evidence Ordinance (Chapter 8) provide for special procedures to be adopted for the giving of evidence in court by witnesses under 14 years of age. Under the Criminal Procedure Ordinance the special procedures apply to witnesses under 17 years of age in relation to offences of sexual abuse.

Criminal Procedure Ordinance

35. The Criminal Procedure Ordinance (Chapter 221) provides for testimony from a child witness to be given through closed circuit television from a place outside the courtroom by way of a video-recording of an interview, provided that the witness is available for cross-examination afterwards at the trial, or by a written deposition taken by a Magistrate. In addition, the prosecution may issue a notice of transfer to bypass the preliminary hearing before a Magistrate and enable the matter to go directly to a full trial.

Evidence Ordinance

36. The Evidence Ordinance (Chapter 8) provides that the evidence of a child under 14 years of age shall be given unsworn. Corroboration from other material evidence is not necessary for a conviction nor is it required that a jury be warned against convicting an accused on the uncorroborated evidence of a child. The Juvenile Offenders Ordinance (Chapter 226) contains further provisions protecting the privacy of children who are involved in court proceedings: see paragraph 127 below, in connection with Article 16 of the Convention.

Criminal liability

37. The Juvenile Offenders Ordinance (Chapter 226) provides that no child under seven years of age is liable for any criminal offence. Further details on the minimum age of criminal responsibility are given in paragraph 401 below, in connection with Article 40 of the Convention. Usually, offenders aged between seven and ten years are cautioned under the Police Superintendents' Discretion Scheme rather than prosecuted. Details of this Scheme are given in paragraphs 403 to 405 below, again in connection with Article 40 of the Convention. Cases other than homicide involving a child up to 14 years of age or a young person between 14 and 16 years of age are heard in the juvenile court. Cases involving a charge made jointly against a juvenile and a person who is 16 years of age or over are heard by an adult court.

Deprivation of liberty

Juvenile inmates

38. Juvenile offenders may be deprived of liberty by being sent to a Detention Centre, Training Centre, Young Prisoners Programme or Drug Addiction Treatment Centre, depending on their ages and the nature of the offences. Details of these institutions are given in paragraph 410 below, in connection with Article 37(b), (c) and (d) of the Convention, and in Appendix 7 to this report.

Vietnamese migrant children

39. All Vietnamese migrants are detained in closed camps during screening as well as while they are awaiting repatriation. Details are given in paragraphs 371 to 386 below, in connection with Article 22 of the Convention.

Consumption and purchase of controlled substances

40. The Smoking (Public Health) Ordinance (Chapter 371) prohibits the sale or giving of tobacco products to persons under the age of 18 years. Regulations under the Dutiable Commodities Ordinance (Chapter 109) make it an offence to permit a person under the age of 18 years to consume alcoholic liquor in premises licensed for its sale or supply.

Access to indecent material

41. The Control of Obscene and Indecent Articles Ordinance (Chapter 390) prohibits the selling, hiring, circulating, lending and showing of indecent articles to persons under 18 years of age. Articles are defined as including magazines, books, comics, newspaper, sound recordings, videotapes, laser discs and CD-ROMs.

42. The Fixed Telecommunication Network Service in Hong Kong is fully digital. This permits the efficient carriage of a wide range of services. Adult and children information services provided on the Service are grouped under special categories. Telephone lines have access to these categories of services only if the registered telephone line users specifically request them. Parents who wish to have access to adult information services but do not wish their children to do so may apply for free-of- charge Personal Identification Numbers. This provides an effective measure to block children's access to information service programmes which their parents consider harmful.

Entry into controlled premises

43. The Royal Hong Kong Jockey Club is authorised by the Betting Duty Ordinance (Chapter 108) to organise race meetings and conduct betting on races. The Betting Rules of the Club specify that the minimum age for lawful entry into racecourses and off-course betting centres is 18 years. The Gambling Regulations made under the Gambling Ordinance (Chapter 148) provide that the minimum age for lawful entry into mahjong parlours is 18 years. The Amusement Games Centre Ordinance (Chapter 435) prohibits children below 16 years of age from entering adult games centres. The Ordinance also makes it illegal to provide unsuitable games at children's game centres.

Population statistics

44. A statistical table providing population statistics on children under 15 years of age is given in Part I of the Core Document ("the country profile") for Hong Kong. There are no comparable statistics on persons aged 18 years and under.

III. GENERAL PRINCIPLES

A. Article 2 - Non-discrimination

Bill of Rights Ordinance

45. Article 22 of the Bill of Rights, as set out in the Bill of Rights (Chapter 383), guarantees the right to equality and non-discrimination. The Article guarantees to all persons, including children, equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Other legislation and various administrative policies, as described in xdthis report, also provide for this right.

Parent and Child Ordinance

46. The Parent and Child Ordinance (Chapter 429) was enacted in 1993. It removes legal disadvantages that previously applied to illegitimate children. The Ordinance provides that in all legislation and all future documents, whether private or public, references to relationships such as "parent" and "child" are to include references to illegitimate relationships unless a contrary intention is expressly stated. Various consequential amendments were made to existing legislation: for example, to the Guardianship of Minors Ordinance (Chapter 13), to enable either parent to apply for the same range of maintenance orders for a child, irrespective of whether he or she is legitimate or illegitimate; and to the Intestates Estates Ordinance (Chapter 73), to enable the illegitimate issue of a person who dies intestate to enjoy the same rights as the deceased's legitimate issue.

Protection of Women and Juveniles Ordinance

49. The Protection of Women and Juveniles Ordinance (Chapter 213) provides for the protection of children or juveniles who have been, or are suspected to have been, abused physically, psychologically, sexually or through neglect. Early investigation is made possible through the issue of a Child Assessment Order requiring the child's parent(s) or guardian(s) to take the child concerned for medical, psychological or social assessment.

Non-discrimination in major aspects of child welfare

Education

48. The White Paper entitled "Rehabilitation - Equal Opportunities and Full Participation : A Better Tomorrow for All", which was issued in May 1995, recognises that equal opportunities should be provided to all children, including those with disabilities. The aim is to enable them to develop their potential to the fullest extent so that they can grow up to be active and responsible members of the community and achieve as much independence as possible. Normal school-place allocation procedures for different levels apply to able-bodied and disabled children alike. Details of the education provision for disabled children are given in paragraphs 236 to 239 below, in connection with Article 23 of the Convention.

49. Equal opportunities for education are also available to immigrant children from China aged between six and 15 years who come to Hong Kong to be united with their parent(s). Such children have generally been educated in simplified Chinese characters and often speak dialects other than Cantonese. They are helped to adjust to life in Hong Kong. Details of the education provision for such children are given in paragraphs 327 and 328 below, in connection with Article 28 of the Convention.

50. The Education Department adopts a policy of non-segregation of HIV-positive children. The Education Department organises seminars for heads of schools, teachers, students and educational bodies and distributes information materials to schools to inform them of the basic facts about AIDS and the procedures to be adopted in schools to safeguard against contracting blood-borne diseases.

Child welfare

51. All children, regardless of age, sex, race, ability (or disability), cultural, linguistic or religious background, have equal access to welfare services under the same set of eligibility criteria and in all aspects of service delivery. All child welfare services, including adoption, foster care, residential child care and child protection are available to all children.

Recreation, culture and media

52. "Sports for all" is one of the primary aims of the two Municipal Councils. Their policy is to ensure that all children have equal opportunities to take part in recreational, sports and cultural activities with no discrimination on grounds of race, class, sex or disability.

B. Article 3 - Best interests of the child

53. The interests of the child are given prime consideration in all policies that affect children.

White Paper on "Social Welfare into the 1990s and Beyond"

54. In January 1990, the Governor appointed a Working Group to formulate proposals on the objectives and further development of social welfare services. The proposals were published in 1991 in the form of a White Paper. This White Paper recognises that the primary responsibility for the adequate care of children rests with parents. It also recognises the need to balance the rights and responsibilities of parents with the rights and interests of their children. The overall objectives of family and child welfare services are to preserve, strengthen and help families in trouble, recognising that the family plays the major role in a child's nurturing and development. A wide range of support services, including day child-care service, after-school care programmes, financial assistance, home help, family aide service and compassionate rehousing, are provided to assist families in their caring and protective roles.

Court orders in relation to child care and protection

55. There are cases in which parents, despite being provided with assistance by the Hong Kong Government and other voluntary organisations, fail to protect their children adequately. In such circumstances, the court has powers to order the child concerned to be placed under care or protection. Details are given in the following paragraphs.

Protection of Children and Juveniles Ordinance

56. The Protection of Children and Juveniles Ordinance (Chapter 213) empowers the court to grant a care or supervision order in respect of a child or juvenile who has been abused, neglected, or is beyond control to the extent that harm may be caused to him or to others. The Director of Social Welfare is appointed as the legal guardian under such an order, and the child is committed to the care of a person or institution fit to take care of him or to the supervision of a social welfare

officer. Alternatively, the parent or guardian can be ordered to enter into a recognisance to exercise proper care and guardianship. The Ordinance also provides for an emergency order under which authorised officers can search any place with a view to the removal and taking into care of any child or juvenile who appears to be in need of care or protection. Such an order can also authorise the taking of such a child to a place for medical, psychological or social assessment.

Related Ordinances

57. The Guardianship of Minors Ordinance (Chapter 13), Supreme Court Ordinance (Chapter 4), and the Affiliation Proceedings Ordinance (Chapter 183) empower the Director of Social Welfare to initiate applications to the District Court or the High Court for orders for maintenance, legal guardianship, and the care or supervision of a child or juvenile who appears to be in need of care or protection. (For further details see paragraph 159 below, in connection with Article 9 of the Convention.) The Matrimonial Causes Ordinance (Chapter 179) and the Matrimonial Proceedings and Property Ordinance (Chapter 192) empower the District Court or the High Court to appoint the Director of Social Welfare to be the legal guardian of, or to assume the care and control or supervision of, a child whose parents are found to be unfit to exercise their parental rights as a result of judicial separation or divorce.

58. Details of the provision for the protection of a child's interests in cases of adoption are given in paragraphs 189 to 191 below, in connection with Article 21 of the Convention. Details of the provision for protecting the interests of a child in custody proceedings in cases where there is reason to fear abuse or neglect are given in paragraph 159 below, in connection with Article 9 of the Convention.

Representation of children's interests in court

59. When a child and other parties concerned are present before the court, the Judge may ask for and ascertain the views of the child. The Judge may also appoint the Official Solicitor (the Director of Legal Aid) to represent the child under the Official Solicitor Ordinance (Chapter 416). The Adoption Ordinance (Chapter 290) provides for the Director of Social Welfare to be appointed guardian *ad litem* to act on behalf of a child involved in adoption proceedings. Details of the provision for the protection of the interests of children involved in adoption proceedings or in custody proceedings arising from divorce or separation are given in paragraphs 189 to 194 below and in paragraphs 157 and 158 below, in connection respectively with Articles 21 and 9 of the Convention.

Priority listing for child abuse cases

60. The Criminal Procedure Ordinance (Chapter 221) provides for cases to be given listing priority if they involve child abuse victims who have to appear as witnesses in court. This facilitates better recall of the events, minimises trauma and stress and reduces the likelihood of distress. If a delay is unavoidable, a written deposition may be taken from the child by a Magistrate. Special measures are in place to protect the privacy of a child witness as well as to minimise trauma: see paragraphs 34 and 35 above.

Child care and protection institutions and facilities Child care centres

61. The Child Care Centres Ordinance (Chapter 243) and Regulations set standards and provide regulatory control over child care centres. The Child Care Centres Advisory Inspectorate of the Social Welfare Department deals with all matters relating to the implementation of the Child Care Centres Ordinance. Details of the financial assistance available in respect of child care services and day care services for disabled children are given in paragraphs 154 and 235 below, in connection respectively with Articles 18 and 23 of the Convention. To ensure implementation of the Child Care Centres Regulations, inspectors of the Child Care Centres Advisory Inspectorate regularly inspect creches and nurseries. A Code of Practice has been published for the reference of child care centre operators. A review of the Child Care Centres Ordinance has recently been completed. Arising from this review, new provisions for the prohibition of unsuitable persons from acting as childminders will be put forward in amendments to the Ordinance.

Protection institutions and facilities

62. The operation of Children's Homes and Hostels, as well as foster care, is governed by internal operational guidelines and a procedures manual. All such institutions are required to comply with the fire safety requirements of the Fire Services Department. Such institutions are visited by Justices of the Peace in the case of those operated by the Social Welfare Department and by Visiting Officers in the case of facilities run by non-governmental organisations. Justices of the Peace are appointed by the Governor. On their visits, they inquire into the operation and management of the institutions concerned

and receive comments and complaints from residents. The reports of visiting Justices of the Peace are forwarded to the concerned Government department for necessary action. Children, and their parents or guardians, can also lodge complaints to the officer-in-charge of such residential units or to the caseworkers of the family service centre working with the family.

Health and safety in schools

63. The Education Regulations (Chapter 279 sub.leg.) specify the structural requirements, the required fire precautions and the health and sanitation standards of schools. Inspections of school buildings are conducted annually by the Fire Services Department and the Buildings Department. Science programmes and experiments are conducted in purpose-designed laboratories with safety storage units for chemical substances. The Health Inspector of Schools advises on the sanitation standards and the appropriate size of accommodation for each classroom.

C. Article 6 - The right to life, survival and development

64. See paragraphs 218 to 227 below, in connection with Article 6.2 of the Convention.

D. Article 12 - Respect for the views of the child

Child custody and guardianship proceedings

65. Child welfare caseworkers are made aware of the need to respect the views of the child. The views and wishes of the child are ascertained having regard to his or her age, maturity and circumstances. This is done by the caseworker when drawing up the relevant welfare plan.

Adoption

66. See paragraphs 189 to 191 below, in connection with Article 21 of the Convention.

Child care

67. Children who are capable of forming their own views are encouraged to express them freely on all matters affecting them. This approach is adopted by caseworkers in all child welfare cases, including out-of-home placement. In considering substitute care for a child, caseworkers discuss the choices with the child concerned, using words understandable to that child having regard to his or her age, maturity and circumstances. Children are encouraged to voice their views on their placement and on their future aspirations during regular placement reviews. A change of placement will be made if this is in the child's best interests. Reviews of a child's placement in substitute care are discussed in more detail in paragraph 217 below, in connection with Article 25 of the Convention.

Medical consultation, treatment and assessment

68. Children's consent to medical consultation, treatment and assessment is required when it is assessed that they possess sufficient understanding and intelligence to comprehend the proposed treatment and its consequences: see paragraphs 27 to 28 above. Where a child lacks sufficient understanding or intelligence to give consent to medical treatment, the decision to proceed rests with the parents. They are required to make this decision in the best interests of the child. If it is considered that they have failed to do this, an application can be made to the court to override their decision. Prior written parental consent is required for enrolment of a child into the School Dental Service and Student Health Service.

69. The Human Organ Transplant Ordinance (Ordinance No. 16 of 1995) provides that a child may not give valid consent to living organ donation and that a parent or guardian may not give approval for this on a child's behalf.

70. There are some circumstances where doctors may be justified in giving treatment, without the parent's consent, to a child with a mental handicap. These are, first, where such treatment is necessary to save life or to prevent a serious deterioration in the patient's physical or mental health; and, second, where the patient is likely to be permanently incapable of giving consent and there is nobody who is in a position to do so on his or her behalf. In these circumstances, a doctor is justified in doing, without consent, whatever good medical practice requires in the best interests of the patient's health.

Education

71. It is the parents' responsibility to choose the type of education best suited for their child when he or she is in primary or junior secondary education. Students can make their views known to the Education Department. There is a District Education Office in each of Hong Kong's 18 administrative districts. These Offices accept complaints and give assistance to members of the public, including students, on matters concerning education. Leaflets to publicise the location and functions of District Education Offices are published and distributed widely to the public.

Views of children deprived of liberty

Children in penal institutions

72. Detained children may channel their views regarding their treatment in detention through personnel within the institution or may file a complaint outside the institution. All detainees are informed of the available channels of complaint.

Vietnamese migrants

73. Vietnamese migrant children who are living with their parents or guardians in detention centres may make their views known through their parents or guardians. Such children may make complaints to the camp management or to visiting Justices of the Peace. They may also do this through the schools which they attend or through the NGOs working in the camps. Where such a child is an unaccompanied minor, the superintendent of the camp will assume guardianship.

IV. CIVIL RIGHTS AND FREEDOMS

A. Article 7 - Name and nationality

74. Article 20(2) of the Bill of Rights, as set out in the Bill of Rights Ordinance (Chapter 383), provides that every child shall be registered immediately after birth and shall have a name. The Births and Deaths Registration Ordinance (Chapter 174) also provides for a child who is not named at the registration of birth to have its name inscribed on the register at a later time.

Name

Registration of newborns

75. The Births and Deaths Registration Ordinance (Chapter 174) provides that the particulars of a child born alive in Hong Kong must be registered with the Births Registry within 42 days of the birth. Registration particulars include the date of birth, the child's sex and name, the father's name and surname (but see paragraph 77 below), the mother's name and maiden surname and the registering party's residential address and description.

Failure to register

76. A parent who fails without reasonable excuse to register a birth is liable upon conviction to a fine of $1,000 or six months' imprisonment.

Illegitimate children

77. The Births and Deaths Registration Ordinance (Chapter 174) provides that the name of the father of an illegitimate child is not required to be included in the registration of birth. Nevertheless, the father may be named at the request of one or both parents, together with the necessary declarations or court orders.

Abandoned children

78. When a child is found abandoned, the person who finds the child, or the person in whose charge the child is placed, is required to report the finding to the Registrar of Births and Deaths and, within 42 days, to give information of the particulars required to be furnished for registering the birth. If the natural parent(s) cannot be traced within a reasonable time, an application will be made to the court to make the abandoned child a ward of the Director of Social Welfare. The child will then be given a name for registration purposes, if his or her identity remains unknown.

Adoption

79. The Adoption Ordinance (Chapter 290) requires an adoption registration to be made in accordance with an adoption order made by the court. The particulars contained in the order include the date and country of the child's birth, his or her name and the address and occupation of the adopter(s). The position relating to the alteration of an adoptee's name is described in paragraph 89 below, in connection with Article 8 of the Convention.

Overseas births

80. For children born overseas, the law of the country of birth regulates questions relating to birth registration.

Aircraft and shipping vessel births

81. Regulations made under the Civil Aviation (Births, Deaths and Missing Persons) Ordinance (Chapter 173) require the Civil Aviation Department to keep records of persons born in any part of the world in any aircraft registered in Hong Kong and to transmit copies of such records to the Registrar of Births and Deaths.

82. The Merchant Shipping (Seafarers) Ordinance, which will come into operation shortly, provides for the keeping of records of births occurring on Hong Kong-registered ships and on other ships that enter Hong Kong Waters in the course of, or at the end of, a voyage during which a birth occurs. The current practice for keeping such records, which is based on United Kingdom legislation applied to Hong Kong, is similar.

Nationality

83 The law in Hong Kong regulating nationality (including the nationality of children) is the United Kingdom's British Nationality Act 1981. The citizenship generally enjoyed by persons belonging to Hong Kong (as by persons belonging to other United Kingdom dependent territories) is British Dependent Territories citizenship (BDTC) and the conditions for its acquisition are, *mutatis mutandis*, the same as for the acquisition of British citizenship by persons belonging to the United Kingdom. Accordingly, a child born in Hong Kong automatically becomes a BDTC by birth if either of the parents was a BDTC at the time of the child's birth or was then settled in Hong Kong. If neither of the parents was so qualified at the time of the birth but one of them subsequently becomes so qualified while the child is still a minor, the child then becomes entitled to be registered as a BDTC. Alternatively,

the child will in any event become entitled to be registered as a BDTC at any time after he or she attains the age of ten years if he or she has lived in Hong Kong throughout those first ten years of life, i.e. with no more than 90 days absence in any one year. A child who is adopted by order of a Hong Kong court automatically becomes a BDTC as from the date of that order if the adopter (or one of the adopters in the case of a joint adoption) is then a BDTC. The Act also makes provision, similar to that relating to the acquisition of British citizenship in the United Kingdom in corresponding circumstances, for the acquisition of BDT citizenship, either by descent or by registration, by a child born outside Hong Kong one of whose parents was a BDTC at the time of the birth. In accordance with the Hong Kong (British nationality) (Amendment) Order 1993, the cut-off date for registration as a BDTC is 31 March 1996.

84. In relation to all the provision described in paragraph 83 above it should be noted that, under the British Nationality Act 1981, where a child is born illegitimate, its claims to, or to be entitled to acquire, BDT citizenship (as also British citizenship) depends on the status of the mother: the status of the father is disregarded. (But if the child is legitimated by the subsequent marriage of the parents, the child is treated as having been born legitimate and the father's status is then equally relevant with the mother's.)

85. By virtue of the Hong Kong Act 1985 (of the United Kingdom Parliament) and the Hong Kong (British Nationality) Order 1986 which was made under it, persons who currently are BDTCs by virtue of their connection with Hong Kong will lose their status as such when Hong Kong reverts to Chinese sovereignty on 1 July 1997. For the most part, they will then become citizens of the People's Republic of China. However, the Hong Kong (British Nationality) Order 1986 as amended by the Hong Kong (British

Nationality) (Amendment) Order 1993 provides that any such persons have the right, if application is made on or before the relevant dates as specified in the Order, to be registered as British Nationals (Overseas) - a British nationality status created specially for this purpose - and will then be entitled to hold or be included in British passports appropriate to that status, though they will not have the right of abode in the United Kingdom. This status will continue, and the passports will continue to be valid, even after 1 July 1997. Where a BDTC who loses his or her status as such on 1 July 1997 would then otherwise become stateless, he or she will automatically be granted the status of British Overseas citizen. All these provisions consequential upon the transfer of sovereignty on 1 July 1997 operate as well for the benefit of children who are currently BDTCs as for the benefit of adults, and there is special provision in the 1986 Order to allow an application for the registration of a child as a British National (Overseas) to be made even after 1 July 1997 (but before the end of September 1997) if the child was born before 1 July of that year.

86. Under the British Nationality (Hong Kong) Act 1990 provision is made for up to 50,000 heads of household in Hong Kong, together with their spouses and children, to be registered before 1 July 1997 as British citizens (ie with the right of abode in the United Kingdom). The purpose of this provision is to give these persons, who are key workers in Hong Kong's economy and administration, the confidence to remain in Hong Kong up to and after the transfer of sovereignty. The grant of citizenship is confined to these 50,000 persons and their families because of the need to strike a balance between maintaining confidence in Hong Kong and limiting potential immigration into the United Kingdom. The 50,000 heads of household are selected on the basis of a scheme which is set out in detail in the British Nationality (Hong Kong) (Selection Scheme) Order 1990, made under the Act of 1990. This Order had

to be approved in draft by both Houses of the United Kingdom Parliament before it was made. The Act specifically provides (by reference back to the relevant provision of the British Nationality Act 1981) that any discretion exercisable under it must be exercised without regard to the race, colour or origin of any person who may be affected by its exercise.

87. In the context of nationality the Committee's attention is also invited to paragraph 155 of the initial report under the Convention submitted by the United Kingdom in respect of the metropolitan territory of the United Kingdom (CRC/C/11/Add 1). As is there explained, the nationality law of the United Kingdom (which, as noted above, is also that of Hong Kong) is entirely consistent with the thrust of the Convention but the United Kingdom Government has considered it necessary, in order to avoid contention about points of detail, to enter an omnibus reservation concerning that law. When the Convention was extended to Hong Kong, that reservation was expressly made applicable to Hong Kong also.

B. Article 8 - Preservation of identity

Name alteration

88. The Births and Deaths Registration Ordinance (Chapter 174) provides for a parent or guardian to alter or to add to the given name of a child under 11 years of age but there is no provision to change a child's surname or for a child to change his or her name. The Ordinance also allows for a birth to be registered without a name being registered. The view has been expressed that these provisions conflict with Articles 7 and 8 of the Convention. The Hong Kong Government does not share this

view and considers that the provisions are reasonable, having regard to Hong Kong's cultural and social circumstances. According to Chinese tradition, if a person's name is not in harmony with his or her environment, adverse effects can be caused to that person and those around him or her. A child's name is therefore often chosen, and in some cases subsequently changed, with the assistance of fortune tellers. Births are sometimes registered before the child's name has been finally decided upon. The statutory provisions referred to above facilitate the continuation of these practices.

89. To mark the new life of an adopted child, the adopting parents usually give the adoptee a new name when they apply for a Certificate of Adoption at the Birth Registry. An adopter may alter an adoptee's name during the adoption process. Under the Adoption Ordinance (Chapter 290), an adopter or an adoptee may also make an application to the court within one year of the date of the order to amend or add to the name of the adoptee. The adoptee's name and surname are normally proposed by the adopters, especially in the case of babies and very young children. The views of older children would normally have been considered by the adopters before registration.

Preservation of nationality

90. A child who acquires his or her BDTC status (see paragraph 83 above, in connection with Article 7 of the Convention) by registration under the British Nationality Act 1981 may be deprived of that status if it was obtained by fraud, false representation or the concealment of any material fact by his or her parent(s). Someone who is deprived of BDTC status on such grounds may apply for registration as a BDTC when he or she fulfils the residential requirements prescribed by law. The same applies to the status of British National (Overseas) (see paragraph 85 above).

Re-establishing a child's lost identity

91. See paragraph 78 above, in connection with Article 7 of the Convention.

C. Article 13 - Freedom of expression

Bill of Rights

92. Article 16 of the Bill of Rights, as set out in the Bill of Rights Ordinance (Chapter 383), safeguards freedom of expression, which is guaranteed to anyone, irrespective of age, and which includes freedom to seek, receive and impart information and ideas.

Public Order Ordinance

93. Freedom of expression, as guaranteed by the Bill of Rights, is subject only to the restrictions permitted by Article 13.2 of the Convention. These include restrictions which are necessary for respect of the rights of others or to protect public order. The Public Order Ordinance (Chapter 245) was amended in July 1995 in the light of police experience in handling public gatherings, and having regard to the Bill of Rights. The previous requirement for the licensing of public processions is replaced with a requirement for advance notification. The numerical thresholds for requiring notification of public meetings and public processions are increased. Prior notification of the police is not necessary for public meetings and public processions consisting of less than 50 persons and 30 persons respectively. Although the Commissioner of Police can prohibit the holding of any public meeting and procession, he can only exercise this

power where he reasonably considers such prohibition to be necessary in the interests of public safety or public order, and that such interests could not be met by the imposition of conditions. In addition, an independent Appeal Board is established to consider appeals against the decision of the Commission of Police to prohibit the holding of, or impose conditions on, any public gathering. In all these respects, the freedom of expression of children is protected in exactly the same way as that of adults.

Review of legislation

94. The Hong Kong Government has conducted a review of legislation to identify other provisions that might infringe the right to freedom of expression. It was concluded that action was required in respect of 41 provisions in 18 Ordinances, covering a wide range of areas including broadcasting, public order and security. Amendments have been so far made to 31 of those provisions to ensure consistency with this right.

Parent-child communication

95. Parent-child communication is promoted through Family Life Education programmes. These include talks, seminars, small group sessions, exhibitions and outings. In 1994, 71 Family Life Education workers organised a total of 1,801 such programmes for parents-to-be, parents and their children. The Committee on Family Life Education Publicity Campaign, under the auspices of the Social Welfare Department, has adopted the theme of "Strengthening Communication through Care and Concern" for the campaign years 1993-1995.

Freedom of children to express views on matters particularly affecting them

96. See paragraphs 65 to 73 above, in connection with Article 12 of the Convention.

Right to obtain information

Code on Access to Information

97. Details of measures facilitating public access to information, and in particular details of this Code, are given in paragraphs 242 to 244 of the Fourth Periodic Report of the United Kingdom in respect of Hong Kong under the International Covenant on Civil and Political Rights. (CCPR/C/95/Add 5.)

Personal Data (Privacy) Ordinance

98. The Personal Data (Privacy) Ordinance (Chapter 486) provides for a living individual, including a child, to have rights of access to, and correction of, his or her personal data. To facilitate children's access to their personal information, it also provides for a person who has parental responsibilities for a child to assist the child in accessing or correcting the child's personal data.

Birth information

99. The Adoption Unit of the Social Welfare Department provides information concerning adoptees to the adopting parents and encourages them to share the information with the child. The Social Welfare Department provides birth information

(excluding data identifying the natural parents) to adoptees over 21 years of age on request. The consent of the adoptive parents is required before the Social Welfare Department will release such information to an adoptee under 21 years of age. The need for legislative amendment to give adoptees under 21 years of age the right of access to birth records (including data identifying the natural parents) with the consent of adoptive and natural parents where appropriate is being examined by the Working Group on Review of the Adoption Ordinance (Chapter 290) that has been convened by the Health and Welfare Branch. See also paragraph 192 below, in connection with Article 21 of the Convention.

D. Article 17 - Access to appropriate information

Television

100. There are two terrestrial television broadcasters in Hong Kong, and these are required to broadcast programmes for schools supplied by the Hong Kong Government. They are also required to broadcast a specified amount of their own children's programmes. Under the Code of Practice on Television Programme Standards which is issued by the Broadcasting Authority, they are required to exercise care in the presentation of certain scenes in broadcasts likely to be seen by children.

Children's programmes

101. The two terrestrial television broadcasters are each required to broadcast, between 4 pm and 7 pm daily, a minimum each of an hour and-a-half of children's programmes on all their channels. On the two Chinese channels, at least 30 minutes each of children's programmes must be local productions. From

December 1995, the minimum daily requirement of an hour and a half of children's programmes for each channel will be increased to two hours, one-and-a-half hours of which must be broadcast between 4 pm and 7 pm and the remaining half-hour between 9 am and 7 pm. "Children's programmes" are defined as "programmes intended and suitable for children in Hong Kong up to and including the age of 15". The two terrestrial television stations are prohibited from broadcasting programmes unsuitable for children between 4 pm and 8 pm. They must not show material unsuitable for children outside those hours when a large number of children might be expected to be watching television, for example during school holidays.

Standard of other television programmes

102. From December 1995, the two terrestrial television stations will be required to classify programmes regarded as unsuitable for children into two categories - "Parental Guidance Recommended" and "Mature" - and advertise the classification before and during the transmission by superimposing labels on the screen. This requirement has been introduced to help parents exercise guidance over children's viewing. Television and radio programmes are not subject to pre-censorship. However, the Hong Kong Government may apply to the High Court for an order under the Television Ordinance (Chapter 52) and the Telecommunication Ordinance (Chapter 106) to prohibit the broadcast of any programme, advertisement, announcement or other material which is likely to incite hatred against any group of persons, being a group defined by reference to colour, race, sex, religion, nationality or ethnic or national origins, or to result in a general breakdown in law or order or gravely to damage public health or morals.

Education programmes

103. Radio Television Hong Kong (RTHK), which is a Government department, produces school programmes in collaboration with the Education Department. These are broadcast on the two terrestrial television stations. In the 1994-1995 academic year, about 40 hours of such school programmes were broadcast each week during term time. The programmes are curriculum-based, and are watched in classrooms by pupils from primary level three to secondary level three. In addition to its education television programmes, RTHK produces programmes to supplement school education for broadcasting during family viewing hours. Tapes of these programmes are provided to schools for extra-curricular viewing.

Subscription television programmes

104. There is a subscription television broadcaster in Hong Kong which provides a dedicated 24-hour cable children's channel in its basic service.

Leisure reading

Leisure reading in schools

105. Supplementary leisure reading in Chinese and English is promoted in schools through the formal curriculum and extra-curricular activities. This is done by including supplementary reading components in the Chinese Language syllabuses, implementing relevant curriculum projects, conducting in-service teacher education programmes, providing support materials for teachers and pupils and organising reading activities for pupils.

Chinese Language

106. For the Chinese Language syllabuses for primary, secondary, advanced supplementary and advanced levels, guidelines on the selection of supplementary books, on implementation of teaching plans on supplementary reading, and on organisation of reading activities are available for teachers' reference. Teachers are advised to incorporate a supplementary reading component in their work schemes.

107. Seminars and talks for teachers are organised on the promotion of supplementary reading through the teaching of the Chinese language. Pamphlets and leaflets introduce effective ways of promoting supplementary reading. Quality books are issued to schools for teachers' reference. In both primary and secondary schools, provision is made for students to read supplementary books throughout the year. Most students are asked to keep a reading record, charting their own progress for their teachers' information and scrutiny. During long school holidays, students are encouraged to read one or two supplementary books and to submit book reports to their teachers.

English Language

108. An extensive reading scheme in English has been launched in public sector primary and secondary schools to help pupils develop the habit of reading in English and to improve English proficiency through providing the opportunity to read high quality English books. Time is allocated in the primary and secondary English curricula for extensive reading. Supplementary readers designed to accompany English texts are prescribed for use in the English classroom. 'Home readers' are assigned of a level which pupils are able to manage on their own.

Hong Kong Extensive Reading Scheme

109. Secondary level one classes participating in the Hong Kong Extensive Reading Scheme are provided with packages which include material up to Secondary level three. The resource package consists of two components. The first is the Extensive Reading Programme which was developed by the University of Edinburgh and adapted by the English Extensive Reading Scheme Team of the Advisory Inspectorate (English Section) under the Education Department. It consists of 400 books. Each book comes together with an introduction, a workcard to check students' understanding and an answer card. The second component is a Reading Kit which comprises 120 reading cards, at two different levels, and answer cards. It is especially designed to prepare weaker students for entry to the Extensive Reading Programme. An equivalent scheme is available for primary level five and six students.

School libraries

110. All public secondary schools are provided with a school library of about 210 m^2, with a store room of about 10 m^2, housing a stock of around 10,000 volumes. All public primary schools are provided with class libraries, furnished with bookcases, with a stock of about 450 volumes. Schools are provided with funds for replenishing outdated and worn books and for acquiring new titles. Private schools decide on their own library requirements. Supportive activities, including the provision of advisory services and training programmes, are provided to all schools. Students' reading habits are developed through various library activities. These include book-report writing, story-telling competitions and Reading Award Schemes. The numbers of participants in the Reading Award Schemes in 1995 were 34,700 from 208 secondary schools and 63,500 from 343 primary schools.

Public libraries

111. The two Municipal Councils provide free library services. Together they have 1.2 million children's library items. These include Chinese and English books, CD-ROMs, video and audio cassette tapes, CD-Interactive programs, computer software and educational kits. During the year 1994 to 1995, 4.9 million children's library items were borrowed for home use. The Municipal Councils organise a wide range of library extension activities to promote reading. These include weekly children's hours, regular book displays, library visits, interest clubs, talks and workshops. In 1994-1995, some 1.6 million children participated in library extension activities.

112. The Urban Council organises a Reading Programme to encourage young readers to develop regular reading habits and to widen their reading scope. Members of the programme read books on various subjects, give book reports and recommend books. They also participate in a number of reading-related activities organised by the libraries, including dramatisation of books, book talks, reading quizzes and meetings with local authors. Since the programme first began in 1984, some 130,000 members have read over 1.96 million books.

Access to the "information highway"

113. Personal computers are widely used by teenagers and children for leisure and educational purposes. Like other governments, the Hong Kong Government is researching into the need for, and means of, restricting access to harmful materials while retaining the benefits of access to the information highway.

Films, videotapes and laser discs

114. All films intended for public viewing in Hong Kong (including videotape and laser disc versions) are required to be submitted, for classification, to the Film Censorship Authority, which is the Television and Entertainment Licensing Authority. Hong Kong has a three-tier film classification system which divides approved films into three categories:

- Category I - approved for exhibition to persons of any age;

- Category II - Category II is further divided into two sub-categories, viz. Category IIA and Category IIB. Category IIA films can be exhibited to persons of all ages subject to their being advertised as "not suitable for children". Category IIB films can also be exhibited to persons of all ages subject to their being advertised as "not suitable for young persons and children; and

- Category III - approved for exhibition only to persons aged over 18 years.

The two sub-categories under Category II are new. They are advisory in nature and give parents more information for the selection of films suitable for their children.

115. In deciding the categorisation of a film, the following considerations are taken into account: the degree to which it portrays, depicts or treats cruelty, torture, violence, crime, horror, disability, sexuality and indecent or offensive language or behaviour; and whether it denigrates or insults a particular

class of the public by reference to the colour, race, religious beliefs or ethnic or national origins or the sex of the members of that class. The Film Censorship Ordinance (Chapter 392) makes it an offence to allow persons under 18 years of age to watch Category III films. The maximum fine is $50,000, rising to $100,000 for the third and subsequent convictions. Advertising materials (including posters) for Category III films must be submitted to the Film Censorship Authority for approval prior to public display.

Written publications and sound recordings

116. The Obscene Articles Tribunal is responsible for determining whether or not an article is "obscene" or "indecent". The Control of Obscene and Indecent Articles Ordinance (Chapter 390) requires that indecent articles, which may be magazines, books, comics, newspapers or CD-ROMs, must be sealed in wrappers and carry a warning notice of a size no less than 20% of the size of their cover. Persons under 18 years of age are not allowed access to such articles. The maximum fine for unlawful selling, hiring, lending, circulation and distribution of indecent articles is $400,000. A maximum fine of $800,000 is imposed for repeat offenders.

117. New powers have been granted to police officers and officers of the Television and Entertainment Licensing Authority to seize unlawful indecent articles in public places. Announcements of Public Interests have been broadcast on television since May 1995 to arouse parents' awareness of the need to guide their children on reading material. The Education Department is producing an educational kit on the harmful effects of indecent articles to be used as supplementary material for sex education in schools.

E. Article 14 - Freedom of thought, conscience and religion

Bill of Rights

118. Article 15 of the Bill of Rights, as set out in the Bill of Rights Ordinance (Chapter 383), provides that everyone shall have the right to freedom of thought, conscience and religion.

Freedom of religion

119. There is no compulsory or official religion in Hong Kong and no restriction on any person's choice of religion. The only limitations prescribed by law on the manifestation of religion or beliefs are those that are permitted by Article 14.3 of the Convention, in particular those that are necessary for the protection of the rights and freedoms of others. Religious meetings are specifically exempted from the restrictions on public meetings that may be imposed (for the protection of public order) under the Public Order Ordinance (Chapter 245) (see paragraph 93 above, in connection with Article 13 of the Convention). The population of Hong Kong comprises persons of many different ethnic and cultural backgrounds. Every major faith is practised with complete freedom, including Buddhism, Taoism, Christianity, Islam, Hinduism, Sikhism and Judaism. Ancestral worship is widely and freely practised because of the strong influence of Confucianism.

Religious education in schools

120. The aim of religious education in schools is to enable pupils to acquire an understanding of religions and religious ways of living. It is an important channel for civic and moral education. With their parents' consent, children have the right to withdraw from religious education if they wish.

F. Article 15 - Freedom of association and of peaceful assembly

Bill of Rights

121. The right of peaceful assembly and the right of freedom of association are provided for in Articles 17 and 18 respectively of the Bill of Rights, as set out in the Bill of Rights Ordinance (Chapter 383). The permitted restrictions correspond to those permitted by Article 15.2 of the Convention.

Amendments to legislation impinging on freedom of assembly

122. Provisions of the Public Order Ordinance (Chapter 245) and the Summary Offences Ordinance (Chapter 228) relating to public meetings and gathering have recently been amended so as to reinforce freedom of assembly while permitting proper restrictions in the interests of public order. Details of the amendments are given in paragraph 93 above, in connection with Article 13 of the Convention, and also in paragraphs 249 to 251 of the Fourth Periodic Report of the United Kingdom in respect of Hong Kong under the International Covenant on Civil and Political Rights (CCPR/C/95/Add 5).

Freedom to join trade unions

123. Article 18 of the Bill of Rights specifically provides that a person's right to freedom of association with others includes "the right to form and join trade unions for the protection of his interests".

124. The Trade Unions Ordinance (Chapter 332) provides that persons under 16 years of age may become members of a registered trade union but not voting members or members of the executive of the union. A person aged between 16 and 20 years may enjoy all the rights of a member of a trade union but may not be a member of the executive body.

G. Article 16 - Protection of privacy

Bill of Rights

125. The protection of privacy, family, home, correspondence, honour and reputation is provided for in Article 14 of the Bill of Rights, as set out in the Bill of Rights Ordinance (Chapter 383).

Personal Data (Privacy) Ordinance

126. The Personal Data (Privacy) Ordinance (Chapter 486), enacted in August 1995, protects the individual's privacy with respect to personal data. The Ordinance covers any data relating directly or indirectly to a living individual, including a child, from which it is practical to ascertain the identity of the individual and which are in a form in which access or processing is practicable.

Juvenile Offenders Ordinance

127. The Juvenile Offenders Ordinance (Chapter 226) provides for the exclusion of the press from juvenile court sittings if this appears necessary to the court in the interests of the child or young person concerned.

Privacy of children confined in institutions

Children in Boys' Homes or Girls' Homes

128. Children in Boys' Homes or Girls' Homes are divided into small living groups to give them greater privacy. Each child has his or her own bed, desk and wardrobe. Children are generally free to occupy recreational or quiet areas of the institution during free time as they wish. They have the right to receive visitors in private. If circumstances warrant the presence of a staff member, the child is kept within sight at a distance. An example of such circumstances is when there is a need to prevent drugs or offensive weapons from being smuggled into the institution. Mail correspondence is not censored by staff.

Vietnamese migrants

129. All Vietnamese migrants, including children, are accommodated in detention centres. These consist of a number of single-storey or double-storey (and in a few cases, triple-storey) dormitories. The migrants are housed by family units in bunks. Unaccompanied minors are assigned selected care-takers by the UNHCR and are accommodated with the care-taker's family. Like the adults, Vietnamese migrant children may move freely within the detention centres. They have access to television and radio, and may receive visitors in private visiting rooms. There are generally no restrictions on mail correspondence. In-coming parcels are inspected by the camp management only for good reasons, such as for security purposes. General information on the treatment of Vietnamese migrants is given in paragraphs 371 to 386 below, in connection with Article 22 of the Convention.

Law on slander and libel

130. Protection against slander and libel is provided for under the Defamation Ordinance (Chapter 21) and the common law. Children are afforded the same protection as adults.

H. Article 37(a) - the right not to be subjected to torture or other cruel, inhumane or degrading treatment or punishment

Application of the Convention Against Torture

131. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("the Torture Convention"), which of course deals, but in more detail, with the same subject- matter as Article 37(a) of the Convention on the Rights of the Child, was extended to Hong Kong in December 1992. Its provisions have been implemented in the law of Hong Kong by the Crimes (Torture) Ordinance (Chapter 427), enacted in January 1993.

132. The Committee's attention is also drawn to Article 3 of the Bill of Rights, as set out in the Bill of Rights Ordinance (Chapter 383), which similarly prohibits torture and cruel, inhuman or degrading treatment or punishment. Both this provision, of course, and the Crimes (Torture) Ordinance operate for the protection of children as well as for the protection of adults.

133. The United Kingdom's initial report under the Torture Convention in respect of Hong Kong was submitted to the Committee Against Torture in June 1995 (pages 70-93 of CAT/C/25/Add 6) and was examined by that Committee in October 1995. For a full account of how the infliction of torture, etc, on any person, including any child, is forbidden in Hong Kong and how it is guarded against by the laws referred to above and by various other laws and administrative measures, the Committee on the Rights of the Child is referred to that report and also to paragraphs 54-66 of the United Kingdom's Fourth Periodic Report in respect of Hong Kong under the International Covenant on Civil and Political Rights (CCPR/C/95/Add 5), which covers similar ground.

Corporal Punishment

134. Corporal punishment may not be imposed in Hong Kong, whether on an adult or on a child, as a punishment for a criminal offence. As is explained in the report under the Torture Convention, the law in force before September 1991 permitted corporal punishment to be imposed on male pupils in schools in certain circumstances. But as from that date the imposition of corporal punishment in schools, in any circumstances, was made unlawful and any teacher who inflicts it commits a criminal offence for which he may be sentenced to a fine of HK $5,000 and one year's imprisonment.

Punishment in institutions

135. Discipline of children in approved institutions, places of detention and places of refuge is promoted by a system of reward and privileges. Punishment is governed by law and the rules of the institutions. Punishments include forfeiture of rewards or privileges, restriction of recreation, imposition of additional tasks and, in the most severe cases, temporary separation from other children. Punishment in other children's institutions (i.e. those not specifically regulated by any Ordinance and those operated by non-governmental welfare organisations) is regulated by internal operational guidelines which state the reward and punishment a child receives when he or she manifests desirable or undesirable behaviour. Rewards usually take the form of additional privileges, token treats or small gifts. Punishment usually takes the form of additional chores within the child's ability. Regardless of whether or not the institution is specifically governed by an Ordinance, any person inflicting disallowed punishments is liable to criminal charges.

Capital punishment and life imprisonment

136. The death penalty in Hong Kong was abolished for all persons with the enactment of the Crimes (Amendment) Ordinance (Chapter 200) in 1993. The death sentence for murder has been replaced by mandatory life imprisonment under the Offences Against the Person Ordinance (Chapter 212). In case of a conviction of murder, a court has no option but to sentence the convicted person, including a child or young person, to life imprisonment. If a child or young person is sentenced to life imprisonment, he or she will be kept apart from adult prisoners

at all times. The fact that the sentence is to life imprisonment does not, of course, mean that there is no possibility of release. But release can be granted only through exercise of the Governor's powers of pardon and remission under Article XV of the Letters Patent. The sentence of an offender who is under 21 years of age at the date of conviction is reviewed by the Board of Review, Long Term Prison Sentences, every year until he or she reaches the age of 21 years, and thereafter every two years in accordance with Prison Rule 69A made under the Prisons Ordinance (Chapter 234).

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Article 5 - Parental Guidance

The policy framework

137. The Hong Kong Government's child welfare policy is set out in the 1991 White Paper "Social Welfare into the 1990s and Beyond" (see paragraph 54 above, in connection with Article 3 of the Convention). The policy is to support and strengthen families to enable them to provide a suitable environment for the physical, emotional and social development of their children. The family should provide an environment in which physical care, mutual support and emotional security foster the development of children into healthy and responsible members of society. The primary responsibility for adequate care of children rests with parents.

Family Life Education

138. Family Life Education is a form of public education which aims to promote the quality of family life and educate young adults and parents on responsible parenthood. It includes publicity and educational materials on responsible parenthood in which the roles and responsibilities of parents concerning their children are set out. Caseworkers help parents understand and perform more effectively their responsibilities with respect to their children. The Hong Kong Government is committed to providing more family caseworkers to meet the increasing demand for this service and to improve it. There are regular reviews to ensure that the service matches the changing needs and circumstances of the clients. Details of services to enhance parents' child-rearing skills are given in paragraphs 144 to 147 below, in connection with paragraphs 1 and 2 of Article 18 of the Convention.

Education

139. See paragraphs 148 to 150 below, in connection with paragraphs 1 and 2 of Article 18 of the Convention.

Welfare and health care

140. Social workers provide parents with personal counselling and family life education to help them understand their roles and responsibilities in relation to their children's welfare and health. Parents have a duty to act and make decisions on behalf of their children in accordance with the children's best interests. In making such decisions, parents should protect their children from harm and ensure that the medical and welfare needs of their children are properly met. The views of children are sought on matters relating to their health and welfare in accordance with their age and maturity. This is an integral part in the decision-making process.

Marriage

141. The Marriage Ordinance (Chapter 181) provides that the minimum age at which persons may marry is 16 years. Parental consent is required if the person intending to marry is under 21 years of age. If there is no parent or lawful guardian residing in Hong Kong who is capable of giving consent, the Registrar of Marriages may give consent in writing to the marriage. Where a person whose consent is required refuses to give consent, or has forbidden the issue of the certificate of the Registrar, the party intending to marry may apply to a District Judge for an independent decision on whether the marriage should proceed.

Guidance of guardians or custodians

142. When the Director of Social Welfare is appointed the legal guardian or custodian of any child, he or his authorised officers undertake the parental role for the child concerned. Procedural guidelines are issued to facilitate the discharge of the statutory duties to safeguard the child's health and welfare. Such duties include the provision of physical, medical and health care and of schooling, the exercise of regular supervision of the child's well-being and behavioural development, and the implementation of a long-term welfare plan.

B. Article 18 (paragraphs 1 and 2) - Parental responsibilities

Unextended nuclear family households

143. In the past, family support in Hong Kong was largely provided through an extended family. Rapid urbanisation and the development of new towns have contributed to a decline in the extended family. Nuclear families comprising parents and

children, with an average household size of three to four and without the support of close relatives living in the same dwelling or nearby, are increasingly the social norm. Parents in such families bear the full responsibility for the financial support and care of the family. To cope with increasing demand from parents for family support and child welfare services, steps have been taken to strengthen family casework and counselling, child care services and a wide range of family support services, including family aide and home help.

Enhancing parents' child-rearing skills

Family Life Education

144. Family Life Education aims to enhance parents' child-rearing skills. In 1994, a total of 1,505 Family Life Education activities were organised for parents and parents-to-be to help them to acquire the necessary knowledge and skills to rear their children. Family Life Education also pays due attention to the inter-relationship between marriage and parenthood. Programmes are organised to enlighten married couples, and couples intending to marry, about their roles and responsibilities. The number of Family Life Education workers has increased from 59 in 1991-1992 to 71 in 1994-1995. Three additional posts for Family Life Education workers will be created in 1995-1996.

Parent resources centres

145. Six Parent Resources Centres have been set up to provide guidance and support to parents with disabled children. The purposes of the resource centres are:

- to provide, through a resource library, information on the nature of disabilities and on rehabilitation programmes, training kits and aids, as well as professional advice to parents with disabled children;

- to organise support programme activities in small groups for parents with disabled children; and

- to organise educational programmes to enhance the community's understanding and acceptance of disabled persons.

Family Activity and Resource Centre

146. Nineteen Family Activity and Resource Centres have been set up. They serve as focal points for promoting family interests in each locality. They promote communication, harmonious relationships, and coping skills among family members and develop mutual help among families in the local community. Programmes are provided to help parents understand their parental responsibilities and enhance their parenting skills: these programmes take the form of mutual help groups, guidance services, family life education programmes and information services on family life and community resources. The Social Welfare Department is assisting NGOs to establish more such centres.

Family Care Demonstration and Resource Centre

147. The Family Care Demonstration and Resource Centre provides support programmes for family preservation and child rearing. Through life demonstrations in a real home environment, parents of families can learn such matters as home management, parenting concepts and skills to enhance their ability to discharge their parental responsibilities.

Children's education

148. The Education Department has issued to all parents of children in or intending to attend public schools a booklet entitled "A Parents' Guide on Caring for Your Child and Your Child's Education". The booklet sets out parental responsibilities in respect of a child's education including the choice of school, support for the child and the need to maintain a close collaborative partnership with the child's school. The booklet also highlights sources of assistance provided by the Education Department.

149. It is the responsibility of parents to choose the type of primary and junior secondary education best suited to their children and to provide them with the support they require. In choosing the most suitable education for their children, parents should make informed choices in the light of their children's aspirations, abilities and interests and of information about the approaches adopted by different schools. To facilitate parents' choice, the Hong Kong Government has prepared a whole range of information on educational services for parents' reference. This includes leaflets on Primary One Admission, Secondary School Places Allocation, Junior Secondary Education

Assessment and special education services. The Careers and Guidance Services Section of the Education Department operates a Careers Education Centre in which a large collection of reference materials on local and overseas educational institutes are made available to the public. Apart from responsibility in the choice of the most suitable education for their children, parents are required to ensure that their children aged between six to 15 attend schools. If it appears to the Director that a child is not attending primary or junior secondary school without sufficient reason, he may serve upon the parent of a child an attendance order requiring him or her to cause the child to attend school. Further details are given in paragraphs 320 and 321 below, in connection with Article 28 of the Convention.

150. Parents who believe that their children may have special educational needs can seek an assessment to determine whether they should study in a special school. Further information about special schools is given in paragraphs 236 and 237 below, in connection with Article 23 of the Convention.

Maintenance of children in cases of divorce or separation

151. See paragraphs 169 to 172 below, in connection with Article 27.4 of the Convention.

Child care services

152. Comprehensive child care is provided through day nurseries, day creches and occasional child care services. Home help services (such as cleaning and "meals on wheels") are offered to parents having problems in running their homes.

Occasional child care services are provided to parents who have to attend to commitments or sudden business. The aim of the service is to help ensure that children are not left unattended. There is an increasing demand for care facilities for young children whose parents cannot care for them during the day. In response, the Hong Kong Government is increasing the number of day care places, occasional child care places and strengthening other family support services. Statistics relating to the provision of these services, showing the improvements that have been made in recent years, are set out in Appendix 2 to this report.

Parental responsibilities of unmarried fathers

153. The various family services are equally available to unmarried fathers, including divorced fathers, to assist them in taking care of their children. Arrangements can be made to facilitate unmarried and divorced fathers receiving family services outside normal office hours. To encourage parents who are in need of assistance to seek family support and child care services, the Social Welfare Department has stepped up publicity through the mass media, posters and pamphlets. In view of the special needs of single-parent families, a separate leaflet has been produced on welfare services for such families.

154. Families with social or financial needs are sometimes unable to give their children adequate adult care and supervision outside school hours. To meet this need, the After-School Care Programme provides child care, meals, homework tuition, guidance, counselling and play activities for primary students aged between six and 12. As at December 1994, over 4,599 primary students were benefiting from the After-School Care Programme, which is provided on a fee-charging, non-profit making and self-financing basis by NGOs. Fees vary according to the actual running costs of the centres. The Hong Kong Government helps to minimise the centres' costs, and hence the fees they charge, with rent and rate support. Parents in financial difficulties and eligible for the Comprehensive Social Security Assistance Scheme may apply for full financial assistance for their children to join the After-School Care Programme.

Safety and health standards of child care centres

155. See paragraph 61 above, in connection with Article 3 of the Convention.

Day care services for disabled children

156. See paragraph 235 below, in connection with Article 23 of the Convention.

C. Article 9 - Separation from parents

Separation and divorce

157. The Social Welfare Department (SWD) provides counselling, referrals for assistance and advice on matters relating to child custody in divorce cases. SWD's Child Custody Services Unit offers assistance upon court referral in disputes over child custody under the Matrimonial Causes Ordinance (Chapter 179) and the Guardianship of Minors Ordinance (Chapter 13). The Unit makes recommendations to the Judge on such matters as the custody and access arrangements of the child. If the court considers it desirable for the child to be placed in the care of an independent person, it may order that the child be placed in the care of the Director of Social Welfare. Caseworkers from the Child Custody Services Unit then undertake the necessary supervision.

158. In a child dispute or custody case, caseworkers of the Child Custody Services Unit are required to state the views and wishes of all parties concerned, including the child, in a social investigation report. The caseworker recommends arrangements for the child, including parental access, that give due consideration to the views expressed and treat the interests and welfare of the child as paramount. The court may make orders on custody and access matters such as supervised visits monitored by caseworkers from the Child Custody Service Unit. An Official Solicitor is sometimes appointed to represent a child's interests in the proceedings concerned: see paragraphs 398 and 399 below, in connection with Article 40 of the Convention. The caseworkers of the Child Custody Services Unit also provide counselling and casework services to the child and parents as appropriate.

Children put under care and supervision

159. The Guardianship of Minors Ordinance (Chapter 13), the Supreme Court Ordinance (Chapter 4) and the Affiliation Proceedings Ordinance (Chapter 183) provide for the Director of Social Welfare (DSW) to obtain a court-granted care or supervision order or an emergency protection order where it is necessary to place a child under care and supervision. In emergencies the child may be removed to a place of safety. DSW and his authorised officers consider out-of-home care arrangements only when there is no better alternative for the child. The views of all concerned parties are ascertained during investigation and intervention, with an option to appoint the Official Solicitor as guardian ad litem to act on behalf of the child during the proceedings. Separation from the family is subject to periodic review; see paragraph 217 below, in connection with Article 25 of the Convention.

Parents under detention

160. Where a mother is detained in prison, the Commissioner of Correctional Services may permit any of her children to accompany her until she has completed her sentence or the child attains the age of three years old, whichever is the earlier. While in prison, the mother and child stay in a special ward similar to a maternity ward. The Hong Kong Government's policy is to encourage the father or relatives of the child of the inmate to bring up the child in open society. Only if a proper guardian is not available to take care of the child in this way would the child be detained with the mother. In such

circumstances, the Commissioner of Correctional Services arranges for either the father or a relative who can take care of the child properly to take the child out occasionally. Milk powder, baby food and nappies are provided by the authorities for infants in the institutions. Diets complying with nutrition standards approved by the Director of Health and the United Nation Food and Agriculture Organisations are devised for the children. The aim of these arrangements is to preserve and strengthen the mother-child relationship.

161. The Correctional Services Department has a children's half-day visit programme for parents detained in prison. One adult visitor and two children may participate in each visit. Food, drink and toys may be brought for the visit. Such half-day visits are organised once a week. Prisoners can apply for additional visits. Each application is considered on its own merits.

D. Article 10 - Family unification

Entry into and exit from the territory

162. Article 8 of the Bill of Rights, as set out in the Bill of Rights Ordinance (Chapter 383), guarantees the liberty of movement of everyone lawfully within Hong Kong and specifically guarantees the freedom of everyone to leave Hong Kong. Certain exceptions are allowed which are the same as those permitted by Article 10 of the Convention. In relation to a child these could, for example, include restrictions on public health

grounds or because of a child custody order restraining a child from leaving Hong Kong. In some child custody cases, children are restricted from travelling abroad without the prior consent of the parent without the right of custody. Hong Kong residents' spouses and children under 21 years of age are generally admitted for family reunion. The entry of spouses and children who have been residing in the People's Republic of China is regulated under the "one-way permit scheme" described in more detail in the following paragraphs.

Immigration from China for family reunion

163. Hong Kong's immigration policy seeks to enable reunion with family members from the People's Republic of China (the PRC) to take place in a controlled and manageable manner. Nearly 55,000 immigrants are accepted from the PRC each year under the "one-way permit" scheme. This is a significant number given Hong Kong's existing population of six million persons. The responsibility for approving individual applications under the scheme rests with the PRC Government. Over 90% of such immigrants come to Hong Kong for family reunion. The number of persons awaiting family reunion remains large. Many attempt to enter Hong Kong illegally. An average of nearly 80 illegal immigrants are arrested each day, of which an average of two are children. The Hong Kong Government's policy is to repatriate all illegal immigrants coming from the PRC. To adopt a more relaxed policy would encourage such illegal immigration and be unfair to those who are waiting in China for their one-way permit. It would also result in demand for Government-provided services quickly outstripping supply.

164. Current law defines "Hong Kong permanent residents" differently from the Basic Law of the future Hong Kong Special Administrative Region. It is estimated that 64,000 children in the PRC who do not currently have the right of abode in Hong Kong will do so when the Basic Law comes into effect on 1 July 1997. These children are those born outside Hong Kong who have one parent who was a permanent resident of Hong Kong at the time of their birth. There are another 200,000 children and 100,000 adults in China one or both of whose parents or whose spouse is a Hong Kong resident. These numbers are growing with the increase in the number of cross-border marriages. Because of the large numbers involved, it is likely that these persons will have to wait a number of years before being able to reunite with their relatives in Hong Kong.

165. To reduce the potential for a sudden influx, in 1997, of children from the PRC with the right of abode in Hong Kong, the Hong Kong Government increased the daily one-way permit quota in 1995 from 105 to 150. Thirty places in the additional quota are allocated to children who will have the right of abode in Hong Kong after 1997 and 15 to persons separated from spouses in Hong Kong for ten years or more. In determining the level of the increase, the Hong Kong Government took into account the availability of educational, housing and other social services. Details of education services provided to immigrant children from the PRC are given in paragraphs 327 and 328 below, in connection with Article 28 of the Convention.

166. The Social Welfare Department (SWD) has taken into account the increase in the daily quota of new immigrants from the PRC in planning and strengthening its family casework services. In the 1995-1996 financial year, resources have been allocated for additional family caseworkers and for establishing three additional family services centres. Counselling and casework services are available to new immigrant families who have difficulties in adjusting to life in Hong Kong. SWD also provides funding to the post-migration services of the Hong Kong Branch of the International Social Service. This programme helps new immigrants from the PRC adjust to life in Hong Kong by providing a network of services reaching out to the new immigrants upon their arrival. They include general enquiry services rendered at the Travellers' Aid Desk at Kowloon Railway Station, and briefing and orientation services at the Immigration Office where all new immigrants from China apply for their Hong Kong Identity Cards.

167. The Hong Kong Government has earmarked $208 million for five new primary schools to be completed in 1997-1998. A review of long-term requirements for places at both primary and secondary levels is scheduled for 1996. In the meantime, any additional demand for secondary school places will be met by existing school vacancies. The Education Department conducts school placement services, school-based remedial teaching and counselling services. With the help of voluntary agencies, a new induction programme is now available free of charge to help immigrant children from the PRC integrate more quickly into the local environment. The estimated cost for running this programme is $8.3 million per year, with 10,000 new immigrant children expected to benefit from it annually. Officers of the District Education Offices provide information on schools and arrange admission interviews. In addition, schools have been advised to pay special attention to immigrant children from the PRC by providing them with appropriate remedial teaching, school guidance and counselling services.

Family reunion outside Hong Kong

168. The Hong Kong Government does not prevent exit from Hong Kong other than pursuant to a court order as detailed in paragraph 162 above. Whether or not a person may enter another country for family unification is a matter for that country.

E. Article 27 (paragraph 4) - Recovery of maintenance of the child

Maintenance orders

169. The Matrimonial Proceedings and Property Ordinance (Chapter 192) and the Separation and Maintenance Orders Ordinance (Chapter 16) provide for maintenance orders to be made by the court in cases of divorce, separation and wilful neglect by a party to a marriage. Such an order may require a spouse or ex-spouse to provide proper maintenance for the other spouse and any children of the family. A child of the family is defined as a child of both parties to the marriage and any other child who is treated by both as a child of the family. In deciding the terms of a maintenance order, the court takes into account the relative financial needs, resources and earning capacity of all parties concerned, the duration of the marriage, and the standard of living previously enjoyed by the family. Any physical or mental disability of children of the marriage, and their expected education and training, are also considered. Family services centres and the Child Custody Services Unit of the Social Welfare Department provide marriage counselling and mediation services. These services include advice and counselling on issues related to maintenance for children. Legal aid is available to spouses who wish to commence legal proceedings to seek maintenance payment for their children and themselves.

170. The Matrimonial Proceedings and Property Ordinance (Chapter 192) provides that the court may not make absolute a divorce or nullity decree, or grant a decree of judicial separation, unless and until it declares itself satisfied as to the arrangements for the welfare of the children of the family. Welfare, in this context, includes financial provision for such children.

Recovery of maintenance from overseas

171. The Maintenance Orders (Reciprocal Enforcement) Ordinance (Chapter 188) provides for the recovery of maintenance by persons in Hong Kong from persons in reciprocating countries. The Governor is vested with the power to designate a country or territory as a reciprocating country for the purposes of the Ordinance if he is satisfied that similar benefits will, in that country or territory, be applied to orders made by the courts of Hong Kong.

Enforcement of maintenance orders

172. If, after a maintenance order has been made, the person liable under the order does not pay accordingly, the person entitled to enforce the order can apply for a court order bringing the defaulting party before the court for an examination as to his or her means. If the defaulting party fails to attend, it is possible to obtain an order for his or her committal to prison. When arrears of unsecured periodical payments accrue, there are a number of means of enforcing the order, such as proceeding against the defaulting party's goods and property and committal to prison. Notwithstanding these provisions, concerns have been expressed about difficulties in enforcing maintenance orders. The Hong Kong Government is currently considering whether, and if so how, the law could be amended to address these concerns.

F. Article 20 - Protection of children deprived of a family environment

Residential child care services

173. When children who are separated from their biological parents cannot return home or cannot be adequately looked after by their families, the Director of Social Welfare takes urgent steps to place them in the permanent care of responsible and caring extended family members or other relatives. Temporary residential care is also available to these children as well as those with behavioural or emotional problems. Such care includes foster care, small group homes, residential nurseries and creches and children's homes. The underlying principle is that children are best cared for in a home-like environment with support from family members and the community.

Foster care service

174. Foster care service provide placements for children aged under 18 years who are in need of care in a stable family with persons who can act as substitute parents. Such care continues until the child concerned is able to return to the natural home, join an adoptive family or live independently. Foster parents are assessed and approved by the Central Foster Care Unit of Social Welfare Department before a child is placed under their care. The foster home will be supervised by a foster care worker throughout the foster care placement. Orientation briefing, in-service training and workshops are organised by Social Welfare Department and foster care agencies to ensure that the best possible care is provided by the foster home. Regular case reviews, discussions and visits are conducted to ensure that this is being done.

Small Group Homes

175. Small group homes provide home-like residential care for groups of eight children aged between four and 18 years, who are in need of care away from their homes. The children are cared for by a married couple, working as houseparents and supported by social workers who provide advice and guidance for them regarding the care and well-being of the children. The children attend schools in the local community. Arrangements are made to maintain close contacts with their parents or guardians to facilitate future family reunion. As at September 1995, there were 86 small group homes, 24 of which each accepts a mildly mentally-handicapped child. The quality of houseparents is assessed according to their maturity, personality, child care experience and educational background. They are supervised by trained social workers who provide guidance and advice in their daily work to ensure that the best care is given to the children. The social workers also work directly with the children who serve as a source of feedback as to the quality of care they receive from the houseparents. Training courses are organised by Social Welfare Department for houseparents.

Residential special child care centre

176. This centre takes in disabled children who are homeless, abandoned or whose families cannot adequately care for them.

Residential creches and nurseries

177. Residential creches and nurseries aim to provide residential placement for children aged under two years and from two to six years respectively. These children are either abandoned, orphaned or cannot be taken care of by their families because of illness, death or other problems in the family. Programmes and activities are organised to meet the children's developmental needs.

Children's homes

178. Children's homes provide placement for children and young persons aged between six and 21 years who have family crises or behavioural or emotional problems and are considered to be able to benefit from a more structured and disciplined group-living environment. The residents are taken care of by houseparents in small group living units, with relatively structured home routines. Residents of the children's homes attend schools in the community and training is provided in the homes through small group programmes.

Boys' and Girls' Homes

179. Boys' and Girls' Homes provide placement for children aged between seven and 18 years who have more difficult behavioural or emotional problems. They may be under the influence of undesirable peers or have relationship problems with their families and require a period of group-living experience away from their families. Special schools subsidised by the Education Department are provided in the same premises. These homes offer a more structured residential programme. Specific programmes are organised to help the children cope with their individual problems, to develop their life skills and interests and to enhance their self-understanding and interpersonal skills. The residents are divided into small group living units so that individual contact, treatment and attention can be increased and so that the residents can form closer relationships with one another and with the residential workers.

Boys' and Girls' Hostels

180. Boys' and Girls' Hostels provide placement for children aged between 11 and 21 years who are either studying or working and have behavioural or emotional problems, or relationship problems with their families. Their operation is very similar to that of Boys' and Girls' Homes.

Half-way Home for Boys

181. The Half-way Home for Boys provides a transitional placement for boys aged between 15 and 20 years who have been discharged from other residential child care units but are not yet able to return home because of their behavioural problems, relationship problems with their family or other family problems or because they have no family to return to. Programmes are organised to address the boys' personal problems, to prepare them for reunion with their families and to train them for independent living. For girls, a similar function is served by the Girls' Hostels.

Review of residential child care

182. To ensure that children's placement needs are met adequately and promptly, a recent review has recommended that the upper age limit of children in care be extended to avoid unnecessary transfer of children from one placement to another. Another recommendation is to reduce the number of children at each facility to improve service standards. Both recommendations are being implemented. Foster care and small group homes are preferred. Two large children's homes were converted in 1994 into 30 small group homes and one children's home.

The child's needs

183. In arranging out-of-home placement, the parents' and the child's views are solicited. Particular consideration is given to the child's needs. Preference is given to non-institutional units, e.g. foster care service or small group homes, especially for a child in his or her teens. The child's ethnic, religious, cultural and linguistic background are also given due regard in the process. In dealing with children of different ethnic origins, assimilation is promoted by equipping staff with dialect skills for daily conversation and by promoting the learning by the children of each other's customs and cultural differences and the learning of dialects or simple English for daily conversation. A child's religious practice is given due regard in arranging residential placements. Although some residential units are operated by religious bodies, the emphasis on religion is not pronounced. Children are given the freedom to practice the religion of their choice.

Profile of children placed in different types of residential care

184. A Table showing the position in this respect as at 31 March 1995 is set out in Appendix 3 to this report.

Safety and health standards of child care facilities

185. See paragraph 61 above, in connection with Article 3 of the Convention.

Adoption

186. Arrangements for adoption are normally made for a child who is permanently deprived of his or her family environment. Full details are given in paragraphs 187 to 196 below, in connection with Article 21 of the Convention.

G. Article 21 - Adoption

An overview

187. Adoption in Hong Kong is governed by the Adoption Ordinance (Chapter 290). The Adoption Unit of Social Welfare Department is the only body authorised to handle adoptions in Hong Kong. Local applicants to adopt wards of the Director of Social Welfare are assessed according to a set of publicised criteria. A home study is also conducted of the applicants. A suitable couple will be matched to a child with due regard to the child's needs and to the strengths and preferences of the prospective adopters. If matching is successful, the child is placed into the adoptive home under the close supervision of an adoption worker for at least six months. In 1994-1995, 128 children were placed into local adoptive homes and 166 children were adopted through private adoption. Private adoption arrangements usually involve adoption of a child by the child's step-parents or relatives. These adopters undergo the same assessment process and legal proceedings described above.

Birth parents' consent

188. Where adoption of a non-orphan is being considered, the birth parent(s), if known, are given intensive counselling and are assisted to consider the available options for formulating the best welfare plan for the child. If reunion with the birth parent(s) is in the best interest of the child, a variety of support services will be arranged for the family. If adoption is considered to be the best welfare plan, arrangements for adoption will be made as early as possible so that the child can be cared for in a permanent home. The birth parents must relinquish their parental rights, duties and obligations under the law. Once an adoption order is granted, the birth parents cannot revoke their decision to relinquish the child. When the birth parents are untraceable, the standing practice is for a court order to free the children concerned for adoption. The Adoption Ordinance (Chapter 290) empowers the Director of Social Welfare to remove parental rights over a child from a parent where the parent fails to discharge the parental duties in relation to the child, has not indicated any willingness to have the child adopted and does not pay regard to the welfare of the child. It also enables the Director of Social Welfare to seek suitable adoptive parents and make a provisional placement while an order freeing a child for adoption is being obtained.

Adoptees' interests

189. Under the Adoption Ordinance, a guardian *ad litem*, usually an officer of the Social Welfare Department (SWD), is appointed to represent the child's interests in adoption proceedings. The duties of the guardian *ad litem* are to investigate fully all circumstances related to the adoption and to make a report to the court for that purpose in order to safeguard the interests

of the child. There has been criticism of the fact that Social Welfare Department officers act in this capacity when the Department is also the authorising body for adoption. The Hong Kong Government's response is that although the SWD is the authorised body for adoptions and it is usually SWD staff who are appointed as guardians ad litem for such children, the spirit of protecting and promoting the best interests of the child is upheld. The two roles do not conflict with each other. Every adoption application is carefully examined by the court to ensure that the adoption application is in the child's best interests before the adoption order is granted. Where necessary, provisions in the Official Solicitor Ordinance (Chapter 416) will be invoked to provide separate representation for the child.

190. To ensure the potential adoptee's rights are given the best protection, the Adoption Unit of Social Welfare Department conducts a detailed "home study" on the adoptive home to ascertain the background, strengths and preferences of the adopters. A "child study" is also conducted to evaluate the background, stage of development and needs of the potential adoptee. The proposed matching of an adoptive home to a child by the Social Welfare Department takes into consideration all the matters outlined above to ensure that it is in the interests of the child. During the process, the child is assisted to express his feelings, opinions and wishes, according to his age and maturity, by Social Welfare Department staff, who are trained social workers. In general, children aged seven years and above are considered mature enough to comprehend the effect of adoption. The views of the child are reported to the Judge who will consider the child's views before he grants the Adoption Order. There has been criticism that this process does not make the best interests of the child paramount. The Hong Kong Government's response is that the adoption process, which

is conducted in compliance with the requirements of the Adoption Ordinance (Chapter 290) does give due regard to the welfare and wishes of the child. Although it is not explicitly stated in the Adoption Ordinance that the best interests of the child are paramount, that principle is fundamental to the Ordinance: the court has to be satisfied that the adoption arrangement is indeed in the child's best interests before granting the adoption order.

191. To ensure continuity in a child's upbringing, the first priority of placement is to place the child with a family of the same race and culture, as far as possible and practicable. Adoption workers conduct regular assessments of the adoptee's condition. If the placement is assessed by the adoption caseworkers to be unfavourable for the child, despite intervention and assistance rendered, the child will be removed from the adoptive home. Two groups have been set up by adopters to provide mutual support and sharing on specific adoption issues and on possible difficulties concerning the new family relationship. The Adoption Unit of the Social Welfare Department provides support and assistance to these two mutual help groups.

Review of the Adoption Ordinance

192. A Working Group, chaired by the Health and Welfare Branch, has been formed to review the Adoption Ordinance (Chapter 290). The review aims to ensure that the adoption practice accords with the spirit of the Convention on the Rights of the Child. The Working Group has proposed that adoptees be given a legal right of access to their personal information and that adoption arrangements be made as soon as possible for those who are in need of it.

Inter-country adoption

Adoption of local children

193. Overseas adoption is mainly used for children with special needs whose chance for local adoption is slim. The criteria and procedures are similar to adoption by local families and are geared towards the protection of the child's interests. An assessment is made of the capability of the adopters, and also of the resources of the community overseas, to handle the special needs of the child. A home study of the overseas adopters is conducted by approved adoption agencies of the overseas country and is assessed by the Social Welfare Department. The adoption plan has to be approved by a Judge before the child can leave Hong Kong for overseas adoption. The Social Welfare Department has commissioned two NGOs to act as interim guardians for such children in the overseas country until an Adoption Order is granted by the court of the overseas jurisdiction.

194. The two concerned NGOs referred to in paragraph 193 above are International Social Service-Hong Kong Branch and Holt International Children Services Inc. of the USA, which is assisted by the local NGO, Mother's Choice. They are established and competent adoption agencies. Their adoption placement operation is non-profit-making. The Social Welfare Department has entered into a formal working arrangement with Holt International Children Services Inc. to formalise the process of overseas adoption of children with special needs. In 1994-1995, nine children were placed in overseas adoptive homes.

Adoption of overseas children

195. Children adopted from overseas by Hong Kong residents are admitted to join their adoptive parents if the adoptions are believed to be genuine and are recognised under the Hong Kong law, and if all immigration requirements met. Children admitted to Hong Kong to join adoptive parents are normally granted the same residence status as their parents.

Prevention of improper financial gains through adoption

196. The Adoption Ordinance (Chapter 290) prohibits the giving or receiving of remuneration or reward in connection, directly or indirectly, with the adoption or proposed adoption of an infant except in consideration of the professional services provided by, for example, a lawyer. Any person who contravenes the provision is guilty of an offence and liable to a fine and imprisonment.

I. Article 11 - Illicit transfer and non-return

Child abduction

197. Where a child has been wrongfully removed from Hong Kong and it is known to which country the child has been taken, a message is passed to the country concerned through the Interpol network, requesting the Police in that country to trace the child. Where it is not known to which country the child has been taken, details of the child will be circulated via Interpol's International Missing Persons Circular (a "Yellow Notice").

Hague Convention on the Civil Aspects of International Child Abduction

198. The Hong Kong Government supports in principle the extension to Hong Kong of The Hague Convention on the Civil Aspects of International Child Abduction. It is currently examining the technicalities and the practical constraints. Hong Kong has not yet entered into any bilateral or multilateral agreements on co-operation for the prevention of child abduction.

J. Article 199 - Abuse and neglect

Article 39 - Physical and psychological recovery and social reintegration

Definition of child abuse

199. The Public Education Sub-Committee on Child Abuse which is under the auspices of Hong Kong Government's multi-disciplinary Working Group on Child Abuse has produced a "Guide to the Identification of Child Abuse". Details of the distribution of the Guide and of further training for its recipients are given in paragraph 202 below. The Guide is commonly referred to by multi-disciplinary professionals handling child abuse cases. It defines child abuse as any act of omission or commission that endangers or impairs a child's physical, psychological or emotional health and development. Child abuse may occur in any situation where someone, whether parent, other relative, teacher or childminder, is entrusted with the care or control of children. Forms of abuse are classified into four major categories:-

Physical Abuse : non-accidental use of force, burning or poisoning.

Gross Neglect : failure to provide a child with adequate food, clothing, shelter, health care, forcing a child to undertake duties inappropriate to his or her physical strength or age, leaving a child habitually unattended or unreasonably depriving a child of education.

Sexual Abuse: exploitation of a child for sexual or erotic gratification, such as incest, or exposing a child to other forms of sexual activity like fondling or pornographic activities.

Psychological Abuse: behaviour and attitudes that endanger or impair the emotional or intellectual development of a child.

200. The number of abused or neglected children who received residential-care increased from 142 in 1991 to 174 in 1994. According to the Hong Kong Coroners' Reports, the numbers of accidental deaths of children under 9 over the past six years arising from their being left unattended are as follow -

Year	Deaths
1989	27
1990	19
1991	25
1992	14
1993	14
1994	14

Multi-disciplinary Working Group on Child Abuse

201. The Working Group on Child Abuse is tasked with proposing measures for the improvement of reporting, recording and handling procedures concerning child abuse cases. Members of the Working Group include legal practitioners, clinical psychologists, social workers, educationalists and medical practitioners. Recommendations made by the Working Group that have already been implemented include amendments to the Protection of Children and Juveniles Ordinance (Chapter 213) to widen the circumstances in which a child or juvenile may be considered to be in need of care or protection (see also paragraph 47 above, in connection with Article 2 of the Convention), an overall publicity and public education strategy to promote understanding of child abuse, revising the procedures for handling child abuse cases and computerisation of the Child Protection Registry which records child abuse cases (see paragraph 205 below).

Investigation, treatment and follow-up

Guide for the identification of child abuse

202. The Guide to the Identification of Child Abuse has been widely distributed to front-line professionals of various disciplines, including teachers, social workers, medical practitioners, child care centre staff and police officers. Talks, seminars and training programmes are organised for these professionals to help them identify signs and symptoms of child abuse.

203. A multi-disciplinary case conference is held shortly after each report of child abuse to agree to a long term welfare plan for the child concerned. Participants include social workers, doctors, teachers, police officers. If the assessment is that the family is unable to provide care or that the child will be at risk in the home, the child concerned will be placed in residential care. The child's welfare plan will be considered by the court whenever an application for a care or protection order is sought.

Residential care

204. A full account of children's homes and hostels is given in paragraphs 173 to 181 above, in connection with Article 20 of the Convention. 174 abused or neglected children were admitted to various kinds of residential care facilities in 1994.

Child Protection Registry

205. The Child Protection Registry operated by the Social Welfare Department is computerised for easy case-checking and timely intervention in child abuse incidents. It is an efficient and effective database for researchers, planners and caseworkers.

Child protective services

206. The Child Protective Services Unit of the Social Welfare Department specialises in handling child abuse cases. All caseworkers are social work practitioners and each of them handles an average of 30 cases at any one time.

Training

207. Training is arranged to strengthen the knowledge, skills and awareness of officers of concerned government departments, medical practitioners, legal practitioners and educationalists involved in handling child abuse cases. Examples include joint training programmes for officers of the Police Force and officers of the Social Welfare Department on video-recorded interviews. There has been criticism of the adequacy of the training for personnel responsible for the handling of abused children. But it must be pointed out that the Police are currently establishing a Child Abuse Investigation Unit to improve the handling of victims of child abuse and other vulnerable witnesses when they give statements and evidence in courts. There is close liaison between the Police and the Social Welfare Department in handling cases of child abuse and neglect. Two interdepartmental training courses on child protection have been held this year, conducted by overseas experts.

Legislation

208. The Protection of Children and Juveniles Ordinance (Chapter 213) provides for the powers of juvenile courts in relation to guardianship, custody and control of children and juveniles in need of care and protection. Details are given in paragraph 56 above, in connection with Article 3 of the Convention. Any Police officer or the social welfare officer who is appointed by the Director of Social Welfare may, upon being satisfied that any person under 18 years of age is in need of care or protection, apply to a juvenile court to place the child under the guardianship and custody of the Director of

Social Welfare. Any police officer of the rank of station sergeant or above or the appointed social welfare officer may take a child or a juvenile in need of care or protection to a place of refuge or such other place as he may consider appropriate. He may also take the child or juvenile to a hospital if he or she is in need of urgent medical or surgical attention.

Child Care Centre Ordinance

209. The Child Care Centres Ordinance (Chapter 243) provides for a person who acts as childminder, or who holds himself or herself out as being willing to act as a childminder, when prohibited from doing so to be subject to a maximum fine of $25,000 and imprisonment for two years. Persons prohibited from being childminders are those who have been convicted of certain offences including murder, manslaughter, ill treatment, sexual abuse or neglect of a child.

Criminal Procedure Ordinance and Evidence Ordinance

210. These Ordinances, which provide for the procedures to be followed when children under 14 years of age have to give evidence in court, are discussed in paragraphs 34 to 36 above.

Domestic Violence Ordinance

211. There has been criticism of the Domestic Violence Ordinance (Chapter 189) as not providing specific direction to administrative tribunals and Hong Kong Government agencies to observe the principle of the best interests of the child in their decisions. However, this criticism does not take account of the fact that section 3(2) of the Ordinance does require the

District Court to have regard to, inter alia, the needs of the child in exercising its jurisdiction to grant an injunction. Proceedings under section 3 of the Ordinance are designed to cover a range of circumstances including those where the primary focus is the protection of a parent rather than of a child. It is appropriate, therefore, that the needs of any child should be but one of the matters to be considered by the court, albeit an important one.

Education

212. The Public Education Sub-Committee on Child Abuse is tasked with strengthening publicity and public education programmes to promote public awareness of the problem of child abuse, encourage early identification and reporting, as well as prevention of child abuse. A large-scale publicity campaign was launched in March 1995 which focused on educating the general public on early detection and reporting of child abuse. The message was conveyed through a press conference, radio programmes, television announcements, and distribution of posters and leaflets to interested organisations and members of the public. The second phase of the campaign will focus on sexual abuse and cover children's awareness of the problem, self-protection, and how parents can better protect their children.

Reintegration of abused children into society

213. Victims of abuse are given psychological or psychiatric counselling and other rehabilitation services as appropriate. Children are guided by their case social workers to reintegrate into society through individual and family counselling. They are encouraged to participate in community group activities and are referred for medical or psychiatric treatment if necessary. Twenty clinical psychologists under the Social Welfare Department provide therapeutic treatment to children in need.

Penalties for persons convicted of child abuse and neglect

214. The Offences Against the Person Ordinance (Chapter 212) provides that any person who unlawfully abandons or exposes any child under the age of two years, endangering the child's life or health, is guilty of an offence. The Ordinance also provides that any person over the age of 16 years who has the custody, charge or care of any child under that age is guilty of an offence if he or she wilfully assaults, ill-treats, neglects or abandons the child or causes the child to be assaulted, ill-treated, neglected or abandoned or to be exposed in a manner likely to cause the child unnecessary suffering or injury to his or her health.

215. There has been criticism that relevant legislation on child neglect is rarely invoked. The statistics do not support this view. Between 1989 and 1994, section 2 of the Offences Against the Person Ordinance (Chapter 212), which prohibits ill-treatment or neglect by those in charge of a child or young person, was invoked as set out in the following table.

Year	No. of Cases Reported	No. of Persons Arrested
1989	74	72
1990	68	70
1991	73	69
1992	82	82
1993	80	75
1994	109	104

216. The maximum penalty for an offence under this provision is ten years' imprisonment on conviction on indictment and three years' imprisonment on summary conviction.

K. Article 25 - Periodic review of placement

Review of a child's placement in substitute care

217. Caseworkers working with children in substitute care are guided by the practice of regular case reviews, case monitoring and permanency planning. Case review is carried out through case discussion or case conferences attended by the parents, the case workers and other concerned professionals such as clinical psychologists and teachers. The parties assess the need and

desirability for continued placement, how that placement will contribute to the long-term permanency plan of home restoration, independent living, or adoption placement. Family reunion is the ultimate goal. In cases where this is impossible, alternative long-term planning such as adoption or independent living is arranged. If the existing placement is the best option in meeting the social, emotional and developmental needs of the child, it will continue.

VI. BASIC HEALTH AND WELFARE

A. Article 6 (paragraph 2) - Survival and development

Ante-natal care and medical advice

218. The Department of Health has a total of 46 maternal and child health centres distributed throughout the territory. A comprehensive ante-natal care programme is available to all pregnant women free of charge. The service includes regular check-ups, treatment and health education, covering such matters as ante-natal care, diet and exercise.

Maternity protection for female workers

Protection under Employment Ordinance

219. Female employees are entitled to maternity leave under the Employment Ordinance (Chapter 57), subject to fulfilment of certain service qualifications. A female employee who has worked continuously for the same employer for 26 weeks or more is entitled to unpaid maternity leave. If an employee with two or fewer surviving children has worked continuously for an employer for 40 weeks or more, she is entitled to maternity

leave at four-fifths normal pay. Maternity leave normally begins four weeks before the expected date of confinement and ends six weeks after the actual date of confinement. Such minimum protection applies to all female employees working in Hong Kong, including foreign domestic helpers and other imported workers.

Penalties

220. The maximum fines for contravening the legislative provisions on maternity protection under the Employment Ordinance range from $10,000 to $100,000.

Strengthening protection

221. Legislation will be introduced in 1996 which will further improve pregnant employees' protection. The provisions will include removing the requirement of a qualifying period of service for entitlement to maternity leave, providing protection against termination of employment on grounds of pregnancy, and prohibiting the assignment of harmful work to pregnant employees.

Post-natal care

Health care

222. After delivery, mother and child may attend a maternal and child health centre for guidance and counselling on baby care. This covers infant bathing, care of the umbilicus, regular weighing and breastfeeding.

Family Life Education

223. Family Life Education programmes (talks, seminars and workshops) are provided for parents of newborn children. These programmes help the parents acquire skills and knowledge in parenting, child-rearing, child development and home safety. Further details of Family Life Education are given in paragraph 138 above, in connection with Article 5 of the Convention.

Child rearing help

224. Family and child care services, in the form of counselling, family aide, home help, and day or residential child care placement are available to newborn children and their mothers. Details of these services are given in paragraphs 144 to 147 and 152 to 154 above, in connection with paragraphs 1 and 2 of Article 18 of the Convention.

Comprehensive Social Security Assistance

225. All families in the Comprehensive Social Security Assistance Scheme are entitled to a one-off special grant for each newborn baby. Details of the Scheme are given in paragraphs 283-289 below, in connection with Articles 26 and 18.3 of the Convention.

Infant mortality rate

226. Hong Kong's infant mortality compares favourably with developed countries. From 1980 to 1994, the infant mortality rate fell from 11.8 to 4.8 per 1,000 live births.

Unwanted births

227. Abandoned newborn children are cared for by the Social Welfare Department. Efforts are made to trace the birth parents. If they are located and assessed as suitable to resume parental responsibilities, the child is returned to their care. If necessary, supporting welfare services, such as counselling, home help, family aide, child care arrangements and financial assistance, are provided. If the birth parents are untraceable, the Director of Social Welfare assumes guardianship of the child and adoption placement is arranged. Full information concerning adoption is given in paragraphs 187 to 196 above, in connection with Article 21 of the Convention.

B. Article 23 - Disabled children

Rehabilitation services

Pre-school rehabilitation services

228. The following rehabilitation centres accept disabled children below six years of age.

Early Education and Training Centre (EETC)

229. This centre provides centre-based early education and training programmes for disabled children from birth to the age of five years 11 months. The primary objective is to support the parents in training and caring for such children.

Special Child Care Centre (SCCC)

230. This centre provides intensive training and care for moderately to severely disabled children between the ages of two years and five years 11 months who cannot benefit from the integrated programmes in ordinary child care centres or in kindergartens. The training at the Special Child Care Centre aims at developing disabled children's sensory, perceptual, motor, cognitive, communication, social and self-care skills.

Integrated Child Care Centre (ICCC)

231. These centres provide training and care for mildly disabled pre-school children between the ages of two years and five years 11 months. Each Integrated Child Care Centres sets aside six out of 100 places for such children. These children receive training similar to other children in the centre under the instruction of a special child care worker and with support from health personnel.

Service improvement

232. The Rehabilitation Programme Plan Review Committee has projected shortfalls in the provision of ICCC, EETC and SCCC services. Details of the Rehabilitation Programme Plan Review Committee are given in paragraph 12 above, in connection with Article 4 of the Convention. There has been criticism that there is no surveillance system for obtaining the rates of prevalence of different types of disability and identifying shortfalls in rehabilitative service provision. The Hong Kong Government's response is that it has adopted a pragmatic

approach in planning social rehabilitation services. In January 1994, the Rehabilitation Advisory Committee endorsed a new formula for projecting the demand for social rehabilitation services. This demand formula, which adopts an accounting flow method and takes into account variables such as annual new applications and discharges, is capable of projecting service requirements more accurately.

233. There are plans to provide 737 additional places (282 Special Child Care Centre places and 455 Early Education and Training Centre places) in the coming four years. Temporarily, 105 home-based training places have been provided for children on the waiting list.

Rehabilitation services for school age children

234. Education programmes for disabled children between six and 18 years of age are mainly provided by the Education Department. Extension of education programmes for disabled children exceeding the age limit is considered on an individual basis. Primary level education may be extended to the age of 16 years and secondary education to 20 years. Small group homes are available to mildly mentally-handicapped school-age children who are adequately taken care of in their home setting or are living too far away from school.

Day care service

235. Disabled persons aged 15 years or above may be admitted to day care services centres including day activity centres and sheltered workshops. The former provide training in daily living, self-care, social and simple work skills. The latter train participants to adapt to the work setting and to acquire proper work skills and habits. Funds have been allocated to provide an additional 1,650 places in day activity centres and 2,110 places in sheltered workshops for the mentally handicapped. By 1997, there will be a total of 3,676 day activity centre places and 6,495 sheltered workshop places. The current shortfalls in day activity centre and sheltered workshop places are 116 and 1,946 respectively. The demand for day activity centre places will be met in full by 1997. Additional resources will be required to meet the demand for sheltered workshop places beyond 1998-1999. No shortfall is forecast in hospital beds for persons with severe mental handicap under the 1994 Rehabilitation Programme Plan.

Education

236. Special education is aimed at helping children with special educational needs to integrate into mainstream schools. Children with physical disabilities, hearing impairments and speech defects are assessed by doctors, audiologists and speech therapists respectively to decide between placement in special schools or integration into a mainstream classroom with remedial support. Remedial services include auditory training and speech therapy for hearing-impaired children and individual and group speech therapy for children with speech defects. On-site and off-site intensive remedial services are available to cater for disabled students in mainstream classrooms whose special

education needs require additional individual attention and assistance. Children with more complex needs or whose disabilities are so severe that they cannot benefit from mainstream education receive free and compulsory general education in special schools up to the junior secondary level. Children with physical or sensory impairments receive a minimum of nine year' education. Mentally-handicapped children receive ten. Currently there are 64 special schools with around 7,400 pupils.

237. Education programmes for special schools vary according to the abilities and needs of the pupils. Special schools for the blind, deaf, physically handicapped, maladjusted and socially deprived generally follow the mainstream curriculum with necessary adaptation and modification. A special curriculum is designed for the mentally handicapped. In addition to academic and cultural subjects such as Language, Mathematics, Music, Physical Education, Design and Technology and Home Economics, other major learning areas such as self-care, perceptual motor training, social competence and social skills training may be included in the curriculum. Supportive educational services are also offered in special schools. Details of these are given in Appendix 4 to this report. Beyond the junior secondary level, educational opportunities for disabled children take various forms. Those who are capable of pursuing academic studies have access to senior secondary education (Secondary level four and Secondary level five) in ordinary or special schools depending on their needs. Those who are not academically inclined have access to vocational training. Admission to tertiary institutions is based on academic merit. Upon admission, specially-tailored, counselling services, special study and examination facilities and financial assistance are arranged for disabled students.

Vocational training and re-training

238. The Vocational Training Council organises vocational training programmes, re-training programmes and support services for disabled persons who are over the compulsory school age of 15 years and are able to work in the open job market. These programmes are conducted in skill centres directly run or supervised by the Council. They are regularly reviewed, upgraded and developed to meet changing job market demands. They cover a wide range of disciplines in the technical, commercial and servicing sectors, and are offered on a flexible modular basis to meet the specific needs of disabled persons. Through its vocational assessment service, the Vocational Training Council evaluates whether individual disabled persons are more suited for open employment, vocational training or supported or sheltered employment. The assessment examines individuals capability, interest, aptitude, attitude to work, adaptation and social needs. This enables the Council to devise training programmes that best suit the individual's needs.

239. The Vocational Training Council's Technical Aids and Resource Centre designs and produces special aids and learning resources for vocational trainees. It also provides guidance, counselling and technical aids to improve the productivity and job prospects of disabled workers in open employment. The guidance and counselling given by the Centre prepare disabled persons for the working environment. The technical aids offered are mainly the adaptation of tools, equipment and work stations to help disabled persons overcome obstacles encountered in training and employment.

Cultural and recreational activities

240. The two Municipal Councils organise recreational programmes for disabled children. Various NGOs also specialise in providing services to the disabled, including disabled children. A total of 328 recreation and sports programmes for the disabled were organised in specially-designed facilities by the two Municipal Councils in 1994-1995, catering for 25,735 participants. Among these programmes, one-fourth were tailor-made for disabled children.

Employment

241. Disabled persons have the same right to work as other members of the community. The Hong Kong Government takes a lead in considering disabled persons on equal terms with other applicants for civil service jobs. The Labour Department's Selective Placement Service provides free employment service to persons with disability, including disabled persons under the age of 18 years, subject to stipulations of the Employment of Children Regulations and the Women and Young Persons (Industry) Regulations (Chapter 57 sub.leg). Legislation containing protective provisions related to conditions of employment, employees' compensation, safety and health is applicable to both able-bodied and disabled persons. With the enactment of the Disability Discrimination Ordinance (Chapter 487) (see paragraph 250 below), disabled persons have been further protected from employment-related discrimination and harassment. There is no specific legislation in Hong Kong that prohibits the employment of disabled children.

Social security for disabled children

242. See paragraphs 283 to 289 below, in connection with Articles 26 and 18.3 of the Convention.

Transport

243. The Hong Kong Government has regular discussions with public transport operators and disabled persons about ways of improving access to public transport. Stations for both heavy rail and light rail services are wheelchair accessible. Stations for the underground rail system are being modified to assist those with mobility problems. Special features are being installed in all railway stations to assist those with visual and hearing impairments. New public buses have a lower first entrance step, a wider passageway, contrasting colour steps, and textured and contrasting colour handrails to aid the disabled. Disabled children can take centre-based vehicles when attending special child care centres. Ten commercially-hired vehicles run by NGOs with government subvention are available for disabled persons, including children.

Health care services

244. The ultimate aim of health care services and medical rehabilitation for disabled children is to enable them to achieve their maximum functional capacity so that they can live independently and participate in the community on as equal a basis as possible. Health care services available to other members of the public are equally available to the disabled. The Hong Kong Government provides medical rehabilitation programmes to help patients overcome their physical or

functional impairments, minimise residual defects, disabilities or complications, and develop life skills. Public and private hospitals and maternity homes carry out physical examinations of all new-born babies within the first 24 hours to identify any physical abnormalities. A Comprehensive Observation Scheme provides developmental screening for all children from birth to the age of five. Details are given in paragraph 254 below, in connection with Article 24 of the Convention.

245. All primary one pupils in mainstream schools take part in the Combined Screening Programme which identifies children with moderate or severe disabilities and refers them for comprehensive assessment leading to treatment, referral or placement as appropriate. The Programme also identifies children who are at risk of acquiring visual, hearing, speech or learning problems and provides advice to the schools which they attend.

Access to premises

246. Regulations made under the Buildings Ordinance (Chapter 123) prescribe accessibility requirements for newly-completed or renovated private buildings. These are supplemented by a design manual, specifying technical standards. By administrative arrangement, public buildings such as public libraries and museums are designed to similar standards. Access facilities for physically-handicapped children who are wheelchair-bound or who have locomotive problems have been incorporated into the Hong Kong Government's design for all new schools from 1998. These facilities include a lift and handrails along the corridor. Conversion of existing schools to improve accessibility is considered in the context of major renovation work. The Hong Kong Government aims to ensure that at least one primary and one secondary school in each district is accessible to children with disabilities as soon as possible.

Mentally handicapped giving evidence in court

247. In October 1993, a Judiciary working group was set up to devise immediate and practical solutions to reduce the possible trauma that mentally handicapped persons may undergo when giving evidence in criminal trials. Its recommendations include the giving of evidence by means of a closed circuit television link and the use of video-recordings as evidence-in-chief. The Judiciary has also prepared a series of guidelines for Judges to follow during proceedings which involve the giving of evidence by mentally handicapped witnesses. Legislative amendments have been enacted on the giving of evidence by vulnerable witnesses, including children, mentally handicapped persons and witnesses-in-fear. In addition, children and mentally handicapped persons are allowed to tender evidence by way of video recording. Further details on the protection of vulnerable witnesses in court are given in paragraphs 34 to 36 above.

Public education

248. Relevant Hong Kong Government departments and NGOs organise public education activities for able-bodied and disabled participants. These activities inform the community of the rights and needs of disabled persons and the contribution they make to society. The Committee on Public Education in Rehabilitation, which comprises Government and non-government representatives, is responsible for formulating, monitoring and co-ordinating annual public education programmes on rehabilitation. These programmes seek to enhance public understanding and acceptance of persons, including children,

with disabilities. School painting and essay competitions were organised by the Committee on Public Education in Rehabilitation in 1994-1995. An inter-school friendship card design and speech writing competition is planned for 1995 - 1996. $34 million in public funds has been allocated to disability-related public education activities for 1993 - 1997.

School education

249. Topics relating to disabled persons are part of both the primary and secondary school syllabuses. From 1996, a new subject - "General Studies" - will include topics on understanding the needs of disabled persons, rehabilitation services and positive attitudes towards the disabled. Extra-curricular activities include the "Sister School Scheme", under which ordinary schools are paired with special schools, and "Pick your Friend", which encourages able-bodied children to befriend disabled children. The "Opportunities for Youth Scheme" provides opportunities for young persons to work together on projects for the disabled.

Legislation to prohibit discrimination on the ground of disability

250. The Disability Discrimination Ordinance (Chapter 487) aims to promote the integration of persons with a disability into the community. It gives the disabled legal protection against discrimination, harassment and vilification on the grounds of their disability.

International co-operation

251. Representatives from the Hong Kong Government took part in the Meeting to Review the Progress of the Asian and Pacific Decade of Disabled Persons, 1993-2002, convened in Bangkok in June 1995 by the Economic and Social Commission for Asia and the Pacific. Delegates from the Hong Kong Government and a number of NGOs also participated in the Tenth Asian and Pacific Regional Conference of Rehabilitation International in Jakarta in September 1995.

C. Article 24 - Health and health services

Overview

252. Hong Kong's health indices for children compare favourably with those of developed nations. This is attributable to the comprehensive range of promotional, preventive, curative and rehabilitative health care services. The Hong Kong Government's policy is that no one should be prevented through lack of means from obtaining adequate medical treatment. The Hong Kong Government operates a wide range of primary health care services for children. These include health education, family planning, maternal and child health, immunisation and the treatment and control of disease. Services are delivered through a network of clinics and health centres. Public primary medical care is provided in the form of medical consultation and dispensing services at 59 general out-patient clinics throughout the territory. Other health care services include the assessment and immunisation of school children.

Primary health care

253. Primary health care is mainly provided at general out-patient clinics and health centres. At the primary health care level, health promotion and disease prevention programmes for children are implemented through the Family Health Service and Student Health Service provided by the Department of Health. The Student Health Service provides regular physical examinations, health screening, health education and counselling for primary school students. It will be expanded to include secondary school students in 1996.

Health care of children up to five years of age

254. The Family Health Service seeks to promote and maintain the health of children from birth to five years of age. It comprises a comprehensive range of health care services through Child Health Centres. A Comprehensive Observation Scheme seeks to ensure early detection of developmental abnormalities among children so that prompt remedial treatment can be initiated and the potential for rehabilitation can be maximised. Developmental screening tests are performed at three key ages, namely, ten weeks, nine months and three years. Various tests are used to assess gross motor co-ordination, language, hearing, vision and social skills. Children with suspected abnormalities are referred to Child Assessment Centres or relevant specialist clinics for follow-up. Child Assessment Centres may refer assessed children to nurseries and special child care centres subvented by the Social Welfare Department and to special schools run by the Education Department for appropriate placement. In addition to the Family Health Service, the Department of Health offers regular weighing and routine physical examinations for newborn babies and children up to five years of age. There is a free immunisation programme against common childhood infectious diseases. Details are given in paragraph 258 below.

Hospital services

255. Public hospital services have been expanded to meet the needs of the rapidly-expanding population. As at 31 March 1995, there were a total of 1,034 hospitals beds for paediatric patients and 134 hospital beds for paediatric surgery. There have been criticisms that there are insufficient facilities for parents to stay with their hospitalised children and for such children to play. The Hospital Authority fully recognises the importance of the provision of such facilities. However, as a result of limitations in the previous hospital design, existing public hospitals providing paediatric services are usually not adequately equipped with such facilities. However, where renovation work is planned for existing hospitals, the opportunity is taken, if physically feasible, to include in the plan facilities for parents to stay with their hospitalised children and for such children to play. For new hospitals, such facilities are included at the design stage.

Specialist clinics

256. As at 31 March 1995, there were 17 specialist out-patient clinics providing paediatric services in Hong Kong.

Health service charges

257. Medical fees, including fees and charges for attendance at general out-patient clinics and speech therapy, are waived in cases of genuine financial hardship. Applications for the waiving of medical fees are considered in the light of the nature of the patients' illness, length of hospitalisation and frequency of admissions as well as in the light of financial resources. Waivers are granted to all Comprehensive Social Security Assistance recipients. Details of the Comprehensive Social Security Assistance Scheme are given in paragraphs 283 to 289 below, in connection with Articles 26 and 18.3 of the Convention.

Immunisation and control of communicable disease

258. Immunisation programmes are carried out mainly by the Family Health Service of the Department of Health and are attended by 90% of newborn children. In 1994, 98% of newborn children were immunised against tuberculosis. Over 82% of one-year-olds were immunised against poliomyelitis, diphtheria, pertussis and tetanus, and 79% against measles, mumps and rubella. Viral hepatitis and tuberculosis remain epidemic in the local community. A survey conducted in 1987-1988 showed that 5.4% of children from one to 15 years of age were found to be hepatitis B carriers. As a result of the immunisation programme, this percentage had dropped to 3.7% in 1990. The majority of chronic hepatitis B infections in Hong Kong occur during the pre-natal and early childhood period. Hepatitis B vaccination is offered to all children and is considered a safe and effective method of protection from the virus. Outreach talks to primary and secondary schools are also organised to enhance children's knowledge concerning viral hepatitis.

School dental care services

259. The Hong Kong Government's role in respect of the promotion of school children's dental care is to promote oral hygiene and health awareness and facilitate the proper use of oral care services. The School Dental Care Service provides regular free dental examinations and simple dental treatment, as well as oral health education for primary school children. In 1994, 81% of the primary school population participated in the scheme. There is also a pilot transfer scheme to facilitate the continuity of dental care for students leaving the School Dental Care Service.

260. The Oral Health Education Unit of the Department of Health provides oral health education through the media, competitions, talks and the distribution of education materials to teachers and students.

Prevention and control of HIV/AIDS

261. The prevention and control of HIV/AIDS commands a high priority. To prevent infection through blood transmission, the supply of blood and blood products is safeguarded against HIV by self-deferral of potential blood donors who consider themselves at risk, HIV screening of donated blood and virus inactivation of blood products. The number of known HIV cases in children is 23. Two resulted from perinatal transmission and the remainder from blood transfusion or blood products prior to August 1985.

262. The Education Department adopts a policy of non-segregation of HIV-positive children. It organises seminars for heads of schools, teachers, students and educational bodies and distributes information materials to schools to inform them of the basic facts about AIDS and the preventive procedures to be adopted in schools to safeguard against contracting blood-borne diseases.

263. The prevention and control of AIDS is dealt with in different subjects of the school curriculum, including Health Education at the primary level and Economic and Public Affairs, Social Studies, Biology and Human Biology at the secondary level. AIDS has also been included in the new General Studies Syllabus, to be implemented in primary schools from September 1996. Guidelines, leaflets, booklets, a learning pack and a

teaching kit to provide guidance on teaching about AIDS are distributed to all schools. A 20-minute Educational Television Programme on AIDS is put out for secondary schools, and a 17-minute video programme on "AIDS Education at School" is issued to all schools for staff development. Other school education programmes on AIDS include seminars, talks, workshops and competitions.

264. The Social Welfare Department is formulating a departmental policy on AIDS, based on the principles of non-discrimination, non-segregation and confidentiality. Guidelines are being compiled for the various welfare services working with persons with HIV or AIDS.

Physical training in schools

265. Physical training is included in both the primary and secondary school curricula. The standard design for public schools includes a playground for students' regular exercise and for extra-curricular activities. To raise students' awareness of the importance of physical fitness, athletic meetings and swimming galas are held in schools annually. Inter-school sports competitions are organised throughout the academic year. To further promote fitness among school children, the Education Department organises a Physical Fitness Award Scheme which is open to all Hong Kong schools. The Scheme comprises regular exercise programmes and an award scheme. The participants are required to take up regular exercise and undergo periodic fitness tests. Students who have attained the prescribed fitness levels and have actively participated in exercise programmes are awarded badges or labels.

Control of environmental pollution

266. Respiratory illnesses are common among Hong Kong children. They impair the development of the children's lungs and may cause cancer. Action is being taken to reduce the level of Respirable Suspended Particulates in the air. The public is informed of the ambient air condition through the daily Air Pollution Index. When the air condition reaches an "Unhealthy" level, school authorities are advised to avoid outdoor activities for school children.

Nutrition and promotion of breast-feeding

267. The importance of breast-feeding and of a balanced diet is regularly referred to during health talks in maternal and child health centres. Mothers are encouraged to start breast-feeding their babies as soon as possible after birth. Guidance and support during the post-natal period continues in maternity wards and maternal and child health centres. In every maternal and child health centre, there is a breast-feeding room set aside for the use of nursing mothers. The rates of breast-feeding over the past four years are as follows:

Year	Rate
1992	19%
1993	28.5%
1994	31.4%
1995	32.4%

Abolition of traditional practices prejudicial to the health of children

268. A traditional Chinese practice of administering certain herbs to newborn children is associated with jaundice. As a result of public education, the practice is no longer common.

Health education

269. The Central Health Education Unit, which operates under the Department of Health, plans, organises, co-ordinates and promotes health education activities. It provides professional advice to other Government departments and non-governmental organisations, produces health education resource materials, trains health promoters and directly delivers health education to the public. The emphasis on health education has shifted in response to changing community needs. Many health risks today are related to the way we live. Key problems include drug abuse, smoking, alcohol consumption, lack of exercise and an unhealthy diet. For example, the 1993 rates of obesity among children were 13.4% for boys and 10.5% for girls. The Central Health Education Unit, which is sensitive to changes in community behaviour, including that of children, is addressing this problem mainly through the promotion of healthy lifestyles, exercise and nutrition.

Student health ambassadors

270. Groups of secondary school students are trained in the knowledge and skills for health promotion in their schools and in the community. The training course takes place during the summer vacation and consists of ten lectures and three field visits. It covers a wide range of topics including communicable diseases, HIV/AIDS, mental health, smoking, alcoholism, drug abuse and sex education. 400 and 600 secondary form student ambassadors completed the course in 1994 and 1995 respectively.

Interactive learning computer system

271. This system, to be launched in 1996, will provide computer games to convey health messages to children. It will be located at four regional health education centres.

Mental health

Student suicide

272. The number of fatal and attempted suicide cases involving school children (aged 18 years or below) in 1992-1993 and 1993-1994 were:

School year	Fatal	Attempted	Total
1992-1993	22	86	108
1993-1994	12	53	65

273. A Working Group on Services for Youth at Risk has been established under the Co-ordinating Committee for the Welfare of Children and Youth at Risk. The Working Group, chaired by the Director of Social Welfare, co-ordinates efforts in addressing the welfare needs of young people at risk. Further details of the Working Group are given in paragraph 7 above, in connection with Article 4 of the Convention.

Family support

274. The importance of parenting to a child's emotional growth is conveyed through television programmes and announcements of public interest on television. A series of leaflets for parents are also available.

Teacher-parent co-operation

275. Schools are encouraged to strengthen communication with parents. Teacher-parent co-operation for the timely addressing of a pupil's emotional problems is promoted through the home-school link in the form of a 24-hour enquiry line, parent education programmes and the setting up of parent-teacher associations in schools.

Efforts in school

276. A series of leaflets has been produced on parenting skills for primary and junior secondary school students. Parent-child communication leaflets, video programmes and announcements of public interest on television and radio are also used to promote parent-child communication. In the 1993-1994 academic year, doctors delivered over 100 talks at secondary schools on mental health and stress. Courses conducted by local and overseas experts on "Helping Students Cope with Stress", "Personal Growth" and "Stress Management" are organised for teachers. Schools can apply for grants for setting up counselling hotlines for parents and for conducting home visits. Through these activities, signs of depression in children can be detected at an early stage. Schools are also encouraged to promote a positive attitude towards life.

In-school social workers

277. School social workers serve at nearly every secondary school to provide timely assistance to pupils in need. They identify and help secondary school students whose social and emotional development is at risk, seeking to assist them to solve their personal, family and emotional problems and facilitating their maximum use of educational opportunities in preparation for adulthood. The average manning ratio of school social workers is about 1:2,000. With the additional school social workers provided in 1995-1996 and 1996-1997, more than 100 schools will benefit from an enhanced ratio of 1:1,000.

Prevention of accidents

Road safety

278. The Police, with the co-operation of various departments and organisations, regularly conduct road safety educational campaigns at district and territorial levels to promote children's awareness of road and car safety. Programmes include road safety lectures, visits to the Road Safety Town and Road Safety Buses, the training of student road safety patrols (who in turn will assist in the promotion of road safety), and the distribution of road safety publicity materials to students. Child restraints in the back seats of private cars will be compulsory from June 1996.

Domestic safety

Unsafe consumer goods

279. The Toys and Children's Products Safety Ordinance (Chapter 424) and the Consumer Goods Safety Ordinance (Chapter 456) respectively protect children from unsafe toys and children's products and from unsafe consumer goods. They impose a duty on manufacturers, importers and suppliers to ensure that the products they supply in Hong Kong are safe. Contravention of the Ordinances' requirements is a criminal offence. The Hong Kong Government considers that existing safety legislation provides adequate protection for the safety of children with respect to consumer goods, including toys and children's products.

Unattended children

280. Home safety programmes are organised at district level to educate the public on the dangers of leaving children at home unattended. In 1994, a total of 267 programmes were conducted with over 100,000 participants. Occasional care service is provided for children whose carer(s) may have to stay away from home because of various commitments or sudden engagements. Further details are given in paragraphs 152 to 154 above, in connection with paragraphs 1 and 2 of Article 18 of the Convention.

Health and safety in schools

281. See paragraph 63 above, in connection with Article 3 of the Convention.

Family planning education

Sex education

282. Sex education is included in the school subjects of Biology, Human Biology, Integrated Science, Social Studies and Liberal Studies at primary, secondary and sixth form levels. Training courses on sex education, with contraception and pregnancy as two of the main topics, are regularly organised for teachers. The Education Department provides support to schools through the production of teaching kits. Educational programmes have also been produced and broadcast on television.

D. Article 26 - Social security and child care services and facilities

Article 18 (paragraph 3) - Child-care services and facilities

Overall objective of social security

283. The aim of the Hong Kong Government's social security policy is to meet the basic and special needs of disadvantaged persons in Hong Kong, including those who are financially vulnerable. All local residents, irrespective of their age, sex, race or religion, enjoy the right to social security. This is achieved through a comprehensive social security system administered on a non-contributory basis. The foundations of the system are the Comprehensive Social Security Assistance Scheme and the Social Security Allowance Scheme. Both schemes are non-contributory and non-statutory. They are wholly funded from the Hong Kong Government's general revenue and are administered by the Social Welfare Department. To be eligible, a person, other than a child under one year of age, must have resided in Hong Kong for at least one year.

Comprehensive Social Security Assistance Scheme

284. The Comprehensive Social Security Assistance Scheme is an income-support scheme providing a safety net for persons of any age proven to be in need of financial assistance. The Scheme is means-tested. All recipients are entitled to free medical treatment at public hospitals or clinics.

Child supplement

285. The standard rates payable under the Comprehensive Social Security Assistance Scheme include allowances for different categories of children on financial assistance. Real increases in the standard rate for children were introduced in 1994 and 1995 to provide more money for children to participate in social and recreational activities. The rates of assistance in 1995 in respect of children under the Scheme are set out in Appendix 5 to this report.

Special grants

286. A wide range of special grants is provided for under the Comprehensive Social Security Assistance Scheme to cover children's special expenses in respect of, for example, education, medical care, day care, eyeglasses and dental treatment.

Revision of rates

287. The standard rates under the Comprehensive Social Security Assistance (CSSA) Scheme are revised annually to take account of inflation. Real increases to the rates are also made from time to time. The various CSSA rates for children have increased by up to 82% since April 1992. The level and scope of special

grants are also reviewed regularly to ensure that they cover the actual cost of the items concerned and to meet the changing needs of recipients. There have been calls for the rates to be increased further and for the reimbursement process for special grants to be improved. In fact, a comprehensive review of the CSSA Scheme is already under way to assess how well it is meeting the needs of clients. The Hong Kong Government will begin in 1996-1997 to implement the recommendations of the review so as to improve the system and the benefits which it provides.

Annual long-term supplement

288. Persons who have received assistance continuously for 12 months also receive an annual long-term supplement to pay for the replacement of essential household items.

Social Security Allowance Scheme

289. The Social Security Allowance Scheme includes a Disability Allowance. This provides a monthly flat-rate allowance to persons of all ages who are severely disabled. Rates are revised annually to take inflation into account. The Disability Allowance is payable to persons of all ages who are certified by recognised medical authorities to be suffering from a disability broadly equivalent to 100% loss of earning capacity. In 1995, the rate of this allowance was $1,050. A higher rate of $2,100 is paid to those who need constant attendance from others but are not receiving such care at a Government or subvented institution.

Government expenditure on social security

290. In the 1994-1995 financial year, the Hong Kong Government spent $720 million on social security in respect of children. This was 0.5% of total Hong Kong Government expenditure. Over the past two decades, apart from inflationary adjustments, a number of improvement measures have been introduced, including the introduction of child supplement and a real increase in the payment rates for children.

Publicity

291. The Social Welfare Department has produced a video tape on social security for viewing at its 32 social security offices. It has also published a handbook on the Comprehensive Social Security Assistance Scheme that details the types and levels of grants which a recipient is entitled to, the complaints and appeal procedures available and gives other essential information.

Child care services for working parents

292. See paragraphs 152 to 156 above, in connection with paragraphs 1 and 2 of Article 18 of the Convention, and the other paragraphs of this report that are there referred to.

E. Article 27 (paragraphs 1-3) - Standard of living

Salary levels

293. There has been substantial improvement in the average standard of living over the past ten years. The per capita gross domestic product (GDP) in 1994 was about $168,700. This

represents a growth of 60% in real terms over the per capita GDP in 1984. The median monthly household income in 1984 and 1994 at current market prices were $4,498 and $15,000 respectively. 45% of Hong Kong households owned their own homes in 1994 compared with 31% in 1984. Per capita GDP in 1994 ranked 15th in the world and spending power sixth.

294. The following figures show the improvement in the living standard of Hong Kong families since 1990:

Year	Median household income (HK$)	Year-on-year rate of increase (%)
1990	9,426	12.6
1991	10,781	14.4
1992	11,653	8.1
993	13,000	11.6
1994	15,000	15.4

295. The average monthly salary in March 1995 at current market prices was $9,321. This represents a growth of about 20% in real terms since March 1985.

Taxation

296. Salaries tax is imposed on all income arising in or derived from Hong Kong from an office or employment or pension. Liability for salaries tax is based on the actual income of the year of assessment. Each married person is individually responsible for all aspects of his or her own salaries tax affairs including tax returns and payment of tax assessed. However, married couples may elect to be jointly assessed for the tax. A number of allowances are deductible from the taxable income of a family, including child allowances. These are available to taxpayers with unmarried children either under 18 years of age during the year of assessment or aged 18 years or over but under 25 years during the year of assessment and receiving full-time education. In addition, a child allowance is given for a child of any age who is incapacitated for work by reason of physical or mental disability. Where married couples choose to be separately assessed for tax, all child allowances must be claimed by either the husband or the wife, as nominated by both. In the current financial year, the allowance for both the first and the second child is $22,000 each. For the third child to the ninth child, the allowance is $11,000 each.

Social security

297. See paragraphs 283 to 289 above, in connection with Articles 26 and 18.3 of the Convention.

Maintenance payments

298. See paragraphs 169 to 172 above, in connection with Article 27.4 of the Convention.

Employment

299. Hong Kong has enjoyed a low unemployment rate (around 2%) for some time. The rate increased to around 3.6% in late 1995. However, the economy continues to show positive growth overall.

Supply of food

300. The Hong Kong Government recognises the right of everyone, including children, to be free from hunger. Through a combination of imported food and primary production in Hong Kong, an adequate supply of food is available for the whole community. The Agricultural and Fisheries Department ensures that adequate stocks of essential commodities are maintained. Food has remained affordable as average wage increases have significantly exceeded increases in the price of food. This is demonstrated by the indices of wages, general consumer prices and foodstuff in the table at Appendix 6 to this report.

Affordable transportation

301. The public transport network in Hong Kong offers a wide range of choices to commuters. Fares vary according to different levels of comfort, speed and convenience, but remain low compared with those in developed countries. Spending on public transport takes up about 6% of average household expenditure in Hong Kong. Affordability is one of the key factors considered in examining fare increase applications from the public transport operators. All public transport operators offer concessionary fares to children aged 12 years and under, mostly at about half the regular fare. Children below the age of three years (four years in the case of public buses) travel free when accompanied by an adult. Full-time students also enjoy concessionary fares when travelling by rail.

Affordable education

302. See paragraphs 336 to 340 below, in connection with Article 28 of the Convention.

Housing

303. The Hong Kong Government is committed to meeting the housing needs of the community. The total number of inadequately-housed households has dropped from 426,000 in the first quarter of 1985 to 179,000 in the first quarter of 1995. These include people living in squatter areas, temporary housing, cottage areas, non-self-contained flats, roof-top structures, and shared private sector accommodation. The problem of inadequate housing is being addressed through clearance, rehousing and construction programmes. Planned production of about 310,000 flats in the public sector between 1995 and 2001 should give most of the remaining inadequately-housed persons access to adequate and affordable housing.

Number of residential units

304. As at 7 September 1995, there were 1,840,000 residential units in Hong Kong, of which 890,000 (48%) were public housing flats and 950,000 (52%) were private flats.

Action to increase production of flats and land supply

305. To increase land supply and speed up the production of flats, a "Housing Project Action Team" has been set up under the chairmanship of the Secretary for Housing to monitor, facilitate and accelerate major housing development projects in both the public and private sectors.

Public housing

306. The development of public housing improves the living conditions for those who are inadequately housed. Currently, over three million people - about half the population - live in various types of assisted housing. Significant demand for adequate housing remains. This is mainly due to the fact that the population has increased by over 7% during the last decade. Scarcity of land means that rents and prices of private sector flats in Hong Kong are among the highest in the world. The aspiration of lower income groups for a better living environment must therefore be largely met by the Hong Kong Government.

Expanded living area

307. The size of public housing flats has increased significantly. In the 1960's, the average internal floor area of a five-person flat was $27m^2$. This increased to $33m^2$ in the 1970's and $40m^2$ in the 1990's.

Eligibility for public housing

308. Eligibility for public housing is contingent on prescribed income limits, which are reviewed annually. For example, the monthly income limit for eligibility of a four-person family is currently $13,600. The applicants and the majority of their family members must also have resided in Hong Kong for seven years.

Rent assistance provided to tenants of public housing

309. Public housing households with incomes below 50% of the Waiting List Income Limits and rent-to-income ratios of above 15% and those with incomes between 50% and 60% of the Waiting List Income Limits and rent-to-income ratios of above 20% are eligible for rent assistance in the form of a 50% rent reduction. As at the end of September 1995, 765 applications had been received for public housing rent assistance, of which 684 had been approved.

Facilities in new estates

310. There has been continuous improvement in the planning and design of public housing estates and their amenities. Estates built in recent years are self-contained with their own ancillary facilities including shops, market stalls, restaurants, schools, clinics, welfare centres, kindergartens, community halls and amenities areas. Facilities for the disabled and other special needs groups are also provided where possible. Children's playgrounds and sports facilities are provided in every estate. Child and youth centres are provided in accordance with planning standards. New schools are planned according to projected demand.

Housing for single parent families

311. The Housing Authority adopts a flexible and sympathetic approach towards handling housing arrangements for families that have broken up. For those living in public rental flats, it favours the tenancy continuing in the name of the party who obtains custody of the children. If custody is divided between

the parties, or the beneficiaries of the tenancy include other family relatives, the Authority will house them separately to avoid creating undue hardship. Those who do not currently live in public housing are placed in the Compassionate Rehousing Category and are allocated public housing on the recommendation of the Social Welfare Department. A parent involved in divorce proceedings can be granted a conditional tenancy in public housing, the condition being that if he or she fails to proceed with divorce proceedings or is not granted custody of the children, the tenancy will be terminated. All the "conditional tenancy" cases are reviewed by the Social Welfare Department in the light of the outcome of the relevant court proceedings. During the 1994-1995 financial year, a total of 602 single parent families, including those holding "conditional tenancies", were rehoused under the Compassionate Rehousing Category.

Encouraging home ownership

312. To enable lower-income families, especially those ineligible for public rental housing, to own their homes and improve their living conditions, the Hong Kong Government introduced the Home Ownership Scheme and the Private Sector Participation Scheme in the late 1970's. In addition, the Housing Society introduced a Flat For Sale Scheme in 1987. Some 151,000 new flats are expected to be made available under these schemes from 1995 to 2001. A Home Purchase Loan Scheme was introduced in 1988 to provide interest-free loans to public rental estate tenants and prospective tenants to help them buy private sector flats.

313. "Sandwich class" families are those whose incomes exceed the upper limit of the Home Ownership Scheme, the Private Sector Participation Scheme and the Flat For Sale Scheme, but who cannot afford private sector flats. Currently they comprise households with a monthly income of between $25,001 and $50,000. In 1993, the Hong Kong Government introduced the "Sandwich Class Housing Scheme", which comprises a "main scheme" and an "interim loan scheme". A sandwich class family can apply for the purchase of a subsidised flat under the "main scheme" or for a low interest loan for the purchase of a flat in the private sector under an "interim loan scheme". Under the "main scheme", 30,000 subsidised flats will be offered for direct sale to sandwich class families up to 2003. Under the "interim loan scheme", $2 billion have been granted from public funds.

Squatters

314. Currently, about 248,000 persons live in squatter areas. Of these, some 5,500 persons are on Crown land in the urban areas. The Hong Kong Government is committed to offering rehousing to the latter group by March 1996.

Temporary housing areas

315. Temporary Housing Areas (THAs) provide accommodation for the homeless and those affected by clearances, fires or other natural disasters who are not immediately eligible for permanent public housing. There are about 41,000 persons living in 35 THAs throughout the territory. Many of them have been rehoused in THAs as a result of the clearance of squatter areas or cottage areas. Existing temporary housing consists of single-storey or two-storey structures with basic facilities or "Vertical THA"s offered by the Housing Authority. (The latter

are old blocks in existing housing estates in the urban fringe areas which are due to be redeveloped.) The Hong Kong Government will also conduct a pilot scheme involving the use of prefabricated structures for the provision of temporary housing, with a view to improving living conditions in such housing.

Temporary housing clearance programmes and rehousing of residents

316. An accelerated clearance programme was initiated in 1993 with a view to rehousing by 1997 all residents living in THAs at the initiation of the scheme. Steady progress has been made and 64% of those living in THAs in 1993 have been given rehousing offers. Eight of the 14 pre-1984 THAs have been cleared and six are under clearance.

Measures to curb property speculation and stabilise property prices

317. Over the past five years, the average price of small-to-medium flats with an area of under $100m^2$ has increased by 24% per annum. For flats over $100m^2$ in area, the increase has been 29% per annum. These increases were substantially fuelled by speculators. The Hong Kong Government introduced a number of anti-speculation measures in June 1991 in order to curb this trend. These measures have successfully dampened speculation and stabilised property prices. The actual price index for selected residential developments in the secondary market in October 1995 was 26% lower than the peak in April 1994, and was 18% higher than in January 1993. Prices of flats in the primary market in October 1995 have dropped by between 30% and 45% from the peak in April 1994, depending on location.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A Article 28 - Education including vocational training and guidance

318. The fundamental aim of school education in Hong Kong is to enable children to become independent-minded and socially-aware adults, equipped with the knowledge, skills and attitudes to enable them to lead full lives as individuals and play a positive role as members of the community. The percentages of the target school-age population studying in public schools (as at the beginning of the 1995-96 school year) are given in the following table:

Level	Target Age	Percentage
Primary	6-11	89.9%
Junior Secondary S1-S3	12-14	91.8%
Senior Secondary S4-S5	15-16	73.4%

Medium of instruction

319. See paragraphs 376 to 380 of the United Kingdom's Third Periodic Report in respect of Hong Kong under the International Covenant on Economic, Social and Culture Rights.

Compulsory education

320. School attendance for children aged six to 15 years is compulsory. If a pupil is absent from school for seven days and is suspected to be a dropout, the head of the school is required to report the case immediately to the Education Department for investigation and follow-up action. The parents or guardians are contacted and, if necessary, a home-visit is arranged to find out the reason for the absence. The Education Ordinance (Chapter 279) empowers the Director of Education to enforce school attendance if a school-age child fails to attend school without a reasonable excuse. Failure without reasonable excuse to comply with an attendance order issued by the Director of Education may amount to an offence. Leaflets are distributed to parents to inform them of the requirement to ensure that children aged six to 15 years attend schools.

321. In 1993-1994, there were 557 and 2,275 non-attendance cases at the primary level and junior secondary level respectively, (representing respectively 0.1% and 0.88% of the primary and junior secondary student populations), compared with 629 and 2,370 respectively in 1992-1993. To keep the truancy rate low, the Education Department has a Non-Attendance Cases Team to follow up on children who do not attend school. The team is responsible for providing counselling and assistance to non-attenders with a view to helping them resume schooling as soon as possible. There are also programmes to improve the curriculum, school environment, quality of learning and school ethos so as to sustain pupils' interest in school.

Higher secondary education

322. Students normally study for the Hong Kong Certificate of Education during Form four and five in secondary school. The sixth and seventh years of secondary schooling take pupils to the Advanced Level Examination. This is the matriculation examination for most first degree courses.

Technical and pre-vocational schools

323. While broad-based curriculum schools provide the mainstream education in Hong Kong, there are a small number of technical and pre-vocational schools offering a more practical, technical-based curriculum. Technical institutes provide 14 disciplines, offering 32 different types of craft-level courses, with entry requirements at Secondary level three or four. Subjects offered include Manufacturing Engineering, Marine Engineering and Fabrication, Construction, Printing, Textile and Clothing, Design, Motor Vehicle Engineering, and Commercial Studies.

Vocational training

324. The Vocational Training Council provides vocational training at 24 training centres. In the 1994-1995 school year, 26,585 full-time trainees, 12,234 part-time trainees and 7,672 apprentices attended Vocational Training Council training programmes. Details of vocational training and re-training for the disabled are given in paragraphs 238 and 239 above, in connection with Article 23 of the Convention.

Higher education

325. Admission to public sector higher education is based on merit. In the 1995-1996 school year, 14,500 first-year first-degree places were available, capable of absorbing more than 85% of qualified matriculants.

Private schools

326. Private schools offer a wide variety of courses at kindergarten, primary, secondary and post-secondary levels. All private schools must be registered under the Education Ordinance (Chapter 279). To be registered, a private school has to satisfy the requirements of the Ordinance on such matters as curriculum, school hours, and health and safety standards.

Education for Chinese immigrant children

327. The Education Department offers prompt school placement assistance to immigrant children from China who have come to Hong Kong to unite with their families. Many experience anxiety and frustration at not being able to communicate with their classmates because of a lack of proficiency in Cantonese. They are supported by student guidance teachers or student guidance officers in primary schools and school social workers in secondary schools. Immigrant pupils with a lower standard of English are placed in remedial classes. A trial curriculum framework has been drawn up by the Curriculum Development Institute with examples of learning activities for teachers and tutors of such students.

328. An Induction Programme is available for immigrant students who have been in Hong Kong for less than six months to help them adapt to the local environment. The programme includes basic English, Cantonese and non-simplified Chinese characters. It is followed by an Extended Programme of remedial English. Schools can refer students with persistent adjustment and learning difficulties to the Education Department for assessment of their educational needs. If necessary, intensive remedial services are available in schools and at Resource Teaching Services Centres operated by the Education Department.

Education for the academically gifted

329. The Hong Kong Government aims to offer academically gifted children the opportunity to fulfil their potential through extra challenges, stimulation and attention within the mainstream system. A pilot project of school-based programmes for academically gifted children is being conducted. A resource centre for such children has recently been set up. Apart from providing enrichment programmes for the children identified, the centre also offers training programmes for their parents and teachers.

Support services for low academic achievers

330. The Hong Kong Government provides a series of support services to schools with a high intake of low academic achievers. These include the provision of an additional graduate teacher, improvement in the manning ratio of school social workers and wider publicity for guidance services. Students making use of the services show improved performance as well as a renewed interest in learning. Their discipline also improves. Additional measures to help low academic achievers include the establishment of a permanent curriculum support team for schools in need of assistance and a Student Discipline Team to provide expert support and guidance to schools with serious student discipline problems.

Education for expatriate children

331. Expatriate children may be admitted to mainstream schools if they fulfil the admission requirements. Expatriate children whose mother tongue is not Chinese seldom study in local schools. Children whose mother tongue is English generally study in schools operated by the English Schools Foundation. These schools adopt a curriculum based on the English state system. The Foundation operates five secondary and ten primary schools, including one school for children with special educational needs. There are also international schools associated with particular national groups, including the French, German, Korean, American and Japanese. The curricula of such schools are designed to suit the needs of the groups concerned. Some receive government subsidy, others are privately-run.

332. There are three government schools, providing primary and secondary education for English-speaking minority groups, which also provide classes in Hindi, Urdu and French.

Education for non-permanent residents

333. With the approval of the Director of Immigration, children without the right of abode or resident status in Hong Kong may attend private schools. Details on education for illegal immigrant children and Vietnamese migrant children are given, respectively, in paragraph 388 below and in paragraph 377 below, both in connection with Article 22 of the Convention.

Education for disabled children

334. See paragraphs 236 and 237 above, in connection with Article 23 of the Convention.

Education for juvenile inmates in prisons

335. Details are given in Appendix 7 to this report.

Subsidy

Student Financial Assistance Agency

336. The Government Student Financial Assistance Agency provides financial assistance and scholarships to students from kindergarten to tertiary levels. Its primary aim is to ensure that no student is denied access to education because of a lack of means. For kindergarten to secondary school students, the major financial assistance schemes administered by the Student Finance Assistance Agency are the Kindergarten Fee Remission Scheme, the School Textbook Assistance Scheme, the Senior Secondary Fee Remission Scheme and the Student Travel Subsidy Scheme. Through these schemes, the Hong Kong Government helps those students and their families who have financial difficulties to pay tuition fees, buy textbooks and meet travel expenses.

Pre-primary education

337. Attendance at kindergartens is voluntary. At the beginning of the 1995-1996 school year, 80.5% of three to five year-olds were studying in kindergartens. The Kindergarten Fee Remission Scheme provides financial assistance to those in need. The amount of remission is dependent on the financial position of the family, and is equivalent to either half or all of the average fee in a non-profit-making kindergarten.

Primary and secondary education

338. Primary and junior secondary education provided in public schools is free. Students in senior secondary levels pay about 18% of the recurrent cost of their education in school fees. The remaining cost is borne by the Hong Kong Government. Around 40% of students in senior secondary or sixth form classes are granted full or partial fee remission.

Higher education

339. Students in higher education pay less than 16% of the recurrent cost of their education. This percentage is being gradually increased to 18% over a number of years.

340. To ensure that no qualified students are denied access to tertiary education because of a lack of means, the Hong Kong Government provides grants and loans to needy tertiary students under the Local Student Finance Scheme. Grants awarded under the Scheme cover tuition fees, academic expenses and student union fees, while loans cover living expenses. The Scheme is means-tested. The level of financial assistance provided to successful applicants is determined by the financial circumstances of their families and the courses pursued. With effect from the 1995-1996 academic year, an Extended Loan Scheme has been introduced to help students who narrowly fail to meet the criteria of the Local Student Finance Scheme. The normal loans and extended loans under the Local Student Finance Scheme are interest-bearing at rates of 2.5% per annum and 4% per annum respectively. Students are required to repay the loans, together with interest, by 20 quarterly instalments within five years of graduation or termination of studies. Students may

apply to the Student Financial Assistance Agency for deferment of repayment of loans as a result of further studies, unemployment, or serious sickness. Students pursuing higher education may also apply for loans under the Sing Tao Foundation Students' Loan Fund or, in cases of sudden financial hardship due to changes in family conditions, from the Hong Kong Rotary Club Students' Loan Fund. Loans provided under these schemes are interest-free. Students usually repay their loans by monthly instalments amounting to 10% of their subsequent monthly salary.

School discipline

Handling problematic students

341. The Education Department has issued disciplinary guidelines to head teachers and teachers of all secondary and primary schools. The guidelines outline a positive and preventive approach in the management of student problems and emphasise the importance of prevention and of the involvement of parents in the intervention process. Schools are reminded that, if some form of disciplinary measure is considered necessary, it should be administered only for the purpose of bringing about a positive change in the student's behaviour and instilling self-discipline. There has been criticism that schools take an unduly authoritarian approach to discipline and that this commonly includes punishment inconsistent with a child's human dignity, such as humiliating a child in front of his or her class. The Hong Kong Government's response is that heads of schools and supervisors are regularly reminded, through circulars, seminars and school visits by school inspectors and educational psychologists, that students respond better to systems which recognise their difficulties and strengths. The

importance of the positive aspects of praise and reward is emphasised. Indiscriminate detention of a whole class, and punishments inconsistent with a child's human dignity, are discouraged. Details of the abolition of corporal punishment in schools are given in paragraph 134 above, in connection with Article 37(a) of the Convention.

Educational guidance

342. Educational guidance in primary schools is provided through the service of Student Guidance Officers, who have experience in teaching and guidance services. Apart from handling students with personal and emotional problems, Student Guidance Officers also develop and enhance students' overall growth, including the promotion of desirable learning habits and study skills. This is done through the organisation of programmes and group activities including a peer tutoring scheme, study groups and workshops on study skills.

Vocational information and guidance

In-school service

343. Career and vocational guidance in secondary schools is provided by a team of in-school careers teachers. In most schools, an extra-curricular or cross-curricular approach is adopted. Activities such as talks, workshops, exhibitions and visits to work places are arranged throughout the school year. Students may approach their careers teachers at any time if they need guidance on careers and study opportunities. Information relating to further studies and the job market, career periodicals and newspaper cuttings are available for students' reference.

Careers information centres

344. The Education Department operates two Careers Information Centres to provide career information to young persons. Through the organisation of career-oriented activities, the Department also helps young persons explore the world of work and choose their future careers.

International co-operation

345. In order to keep abreast of new curriculum theories and modern teaching methods, representatives from the Hong Kong Government regularly attend international conferences and courses: see Appendix 8 to this report. Courses and seminars are subsequently conducted by the attenders to pass on the information to local teachers.

The way forward

346. The Education Department has published a statement of aims for school education. It defines the fundamental aims of school education and provides a framework in which educators in the local school system can plan, conduct and evaluate their activities. It also gives parents, students, employers and the wider community a comprehensive description of what schools in Hong Kong are trying to achieve. A Committee has been established under the Board of Education to develop procedures and provide the necessary support to schools for implementation of the statement, as well as to encourage staff and management in schools to take more direct responsibility for the quality of their services.

B. Article 29 - Aims of education

347. School curricula are designed to help students to build a strong foundation of literacy and numeracy; to think logically, independently and creatively; to make rational decisions; to solve problems independently and in co-operation with others; and to develop abilities and attitudes useful in further study, work and future life. They also aim to help students become aware of Hong Kong as a society and develop a sense of civic duty, responsibility to the family and service to the community. There has been criticism that public schools place unreasonable academic demands on students and require excessive amounts of homework. The Hong Kong Government's response is that the findings of a survey conducted in 1994 on the issue of homework and tests indicated that the time spent by the students on homework and the level of difficulty of homework were mostly appropriate. The Education Department circulates guidelines on homework and tests to all primary and secondary schools every year reminding heads of the need to supervise and regulate the type, frequency and amount of homework and tests set for their students.

Whole School Approach to Guidance

348. The Whole School Approach to Guidance is promoted by the Education Department in all public schools. It encourages teaching staff to create a positive, inviting and caring school environment where students can develop, can realise their potential and can enhance their self-esteem and where their problems are responded to in a constructive way.

Human rights education

349. Human rights education is integrated into the primary and secondary curricula. Schools are also encouraged to provide such education through informal means, including extra-curricular activities. At the primary four level, human rights education is incorporated into the Social Studies curriculum under the topic "Our Hong Kong Government and Us". From 1996, human rights will be included in the primary level five General Studies Syllabus as a multi-disciplinary subject: "Communication Between Citizens and the Government". Social and cultural rights are also integral to Social Studies, Health Education, and General Studies. Emphasis is placed on accepting individual differences and developing respect for others, whatever their race, culture or religion.

350. At the secondary level, the development of the concept of "human rights" is a major theme of the History Syllabus. Students knowledge of human rights is included in the Certificate of Education examination which students normally sit at 16, as part of the syllabuses for History, Economic and Public Affairs and Government and Public Affairs. In the Advanced and Advanced Supplementary Level examination, which students normally take at the age of 18 years, this is tested in the examinations for Liberal Studies, Ethics and Religious Studies, and Government and Public Affairs. Details of the incorporation of human rights education in secondary school syllabus are given in Appendix 9 to this report.
Non-discrimination against disabled persons is also part of both primary and secondary syllabuses: see paragraph 249 above, in connection with Article 23 of the Convention.

351. The Education Department is reviewing its "Guidelines on Civic Education". Consultation with schools and concerned groups on the draft revision will be completed in early 1996. The new conceptual framework and also the suggested content framework are expected to be implemented in the 1996-1997 academic year. The Education Department regularly organises exhibitions, seminars and workshops to help teachers develop their understanding of civic education, which includes the topic of human rights. A seminar specifically dedicated to the promotion of human rights education was organised in March 1994. Various resources are available to support human rights education in schools. At the secondary level, these include teaching kits on "Education in Human Rights" and "Rights and Duties", and a video programme titled "Born with Human Rights". At the primary level, there is a set of teaching materials entitled "Understanding your Rights and Fulfilling Your Duties". A new kit for primary schools is under preparation.

Sense of morality

352. The Education Department seeks to help pupils develop a sense of morality through formal curricula, extra-curricular activities and the "school ethos" of schools. "General Guidelines on Moral Education in Schools", prepared by the Department, are issued to all schools of Hong Kong. The Guidelines point out that the core aspects of moral education in schools are the development of reflective and critical thinking, moral attitudes and social values. Pupils are provided with opportunities to practise moral values and make moral decisions under teachers' guidance.

Personality, talents and mental and physical abilities

353. There has been a significant shift in emphasis in public education from the acquisition of knowledge and the memorising of facts towards the development of more balanced life skills. Pupils are encouraged to develop their personality, talents and mental and physical abilities in addition to acquiring academic knowledge. This is achieved through such subjects as Social Studies and Home Economics, through extra-curricular activities with a practical or technical content and through active participation in school life.

Respect for natural environment

354. The Education Department has issued "Guidelines on Environmental Education in Schools" to provide a framework for the fostering of respect for the natural environment in school children. The objectives of environmental education are: "appreciate and love nature"; and "develop an ethic of respect and responsibility for the environment". Environmental education topics are incorporated in different subjects at primary and secondary levels, including Social Studies, Health Education, Science and General Studies, Integrated Science, Government and Public Affairs, and Liberal Studies. In addition to classroom teaching, schools also organise visits to country parks and urban parks, to nature trails and to nature reserve centres; fieldtrips to the countryside; and educational camps and courses in field studies centres.

Cultural identity and national value

355. Topics related to these subjects are included in a number of Humanities subjects. They are also included in the "Guidelines on Civic Education in Schools" which is presently under review: see paragraph 351 above.

D. Article 31 - Leisure, recreation and cultural activities

Arts

Hong Kong Arts Development Council

356. The Hong Kong Arts Development Council is the statutory body tasked with planning, promoting and supporting the broad development of the arts. It is currently preparing a five-year plan that will include action programmes to develop arts education for children.

Arts programmes for children

357. The Urban Council's Community Arts Centres organise a wide range of arts-in-education programmes each year in addition to the normal cultural performances. Some of these programmes are specially designed for children and young persons. They include educational concerts, children drama workshops, dance workshops, drama and singing competitions, ceramic classes and fun days. The Urban Council funds the Hong Kong Philharmonic Orchestra, the Hong Kong Repertory Theatre, the Hong Kong Chinese Orchestra and the Hong Kong Dance Company. These companies conduct educational programmes, including school tours, for children. The Council also subsidises the annual Arts Festival and the Fringe Festival. Both Festivals organise events for children and young persons. Subsidised tickets are available for students. An International Arts Carnival and an International Children's Arts Festival are held annually to provide children with exposure to all forms of performing arts. A Children's Fun week is also organised annually to promote children's appreciation of the performing arts. The Hong Kong Youth Arts Festival has been held annually since 1993. It comprises a wide variety of programmes in dance, music, drama and visual arts for

children and young persons. The aim of the Festival is to develop self-confidence, social awareness and a greater sense of value to society in children and young persons through involvement in the arts. The 1995 Festival will include a total of 48 performances, 34 exhibitions, 19 projects and two outdoor events. Over 200 schools and 60 individual artists and arts groups will participate.

358. The Music Office, under the joint management of the two Municipal Councils, runs training programmes in Western and Chinese orchestral instruments for young persons aged six to 23 years. It also organises an annual Hong Kong Youth Music Camp to provide intensive orchestral and choral training for 400 residential students. Overseas guest musicians provide a wide musical experience for the young musicians. Elementary level musicians and interested school children participate in camp activities as day campers.

359. The Home Affairs Department organises Hong Kong Youth Cultural and Arts Competitions each year. These aim at cultivating an interest in and appreciation of Chinese arts and culture among Hong Kong's youth. Over the last 20 years, around 137,000 young persons have participated in the competitions.

Expenditure for arts activities

360. For the financial year 1994-95, recurrent expenditure for arts activities funded by the Hong Kong Government and the two Municipal Councils amounted to over $1,297 million.

Sports

361. In 1994-1995, the Municipal Councils organised some 16,000 sports activities, including district-based and territory-wide programmes, recreation activities for disabled persons and joint projects with district sports associations. These activities were in the form of training courses, competitions and simplified sport games. The two Councils' "Sports for All" policy aims to offer opportunities to all children to take part in recreation and sports activities regardless of race, class, sex or disability. To encourage their participation, children usually pay a concessionary rate which is set at about half of the normal rate. The two Councils devote considerable resources to the construction of public recreation facilities including parks, football pitches, cycling areas and sports centres.

362. The Sports Development Board is the statutory body tasked with promoting the development of sport and physical recreation in Hong Kong. The Board encourages schools to organise extra-curricular sports activities, such as modified versions of sports to suit the physical, intellectual and emotional development of children and the confines of the primary school environment. Information on junior sports activities organised by various local Sports Associations is also sent to schools to facilitate and encourage participation in community sports. In secondary schools, the Board organises "SportCaptain" projects to train students to serve as sports activities organisers in their schools. This helps develop a sporting culture and encourages the involvement of students in extra-curricular activities. The Board also organises other sport-related projects in schools, such as "SportCamp", "SportClinic" and

"SportSpeak", to encourage students' participation in physical activities. SportCamp and SportClinic aim to enrich both primary and secondary school students' knowledge of specific sports, as well as providing them with opportunities to try out new sports. SportSpeak is a public education campaign to promote sports activities.

Extra-curricular activities

363. The Education Department attaches great importance to the development of extra-curricular activities in schools. It encourages schools to offer a wide and balanced range of such activities as part of the informal curriculum. To encourage children's participation in extra-curricular activities, the Education Department provides professional guidance and advice to teachers through in-service training programmes and school inspections. It organises and subsidises inter-school programmes and activities and is indirectly involved as an inter-school liaison and monitoring agent.

364. School extra-curricular activities consist of a broad spectrum of activities designed to foster a meaningful and balanced education for young persons. Through participation in extra-curricular activities, pupils are encouraged to apply academic knowledge, acquired through classroom learning, to community activities and service. The activities include subject-based ones, such as science clubs and geography societies, and interest-based ones, such as stamp-collecting clubs. Other extra-curricular activities include sports programmes and service in uniformed groups. Examples are the Scouts and Guides, the Duke of Edinburgh's Award Scheme, Community Youth Clubs and other children's groups. These activities are supervised by school teachers or other responsible adults.

Heritage

365. The Hong Kong Government records and conserves important aspects of Hong Kong's heritage through the work of the Antiquities and Monuments Office. Buildings of historical value are declared or deemed to be monuments for protection and preservation. Archaeological sites are conserved or excavated to salvage relics. The general public has free access to most of the preserved monuments. Displays relating to their history are provided to aid understanding and appreciation. The Antiquities and Monuments Office works with the Education Department to encourage school authorities and teachers organise group visits to museums, exhibitions and heritage sites. The Office runs seminars and guided visits for secondary and primary school teachers to help them organise group visits. The Lord Wilson Heritage Trust provides funding for secondary school pupils to engage in various research projects and in activities to promote heritage awareness. It also sponsors research and the production of learning packages on the promotion of local history and heritage studies.

366. The Municipal Councils build and manage museums on various aspects of cultural heritage, including history, art and folk history. In addition, exhibitions of various kinds are staged in Municipal Council venues and other venues. The museum policy of both Municipal Councils emphasises the educational nature of the museum service. Guided tours, lectures and introductory leaflets are available to young visitors. A Hong Kong Film Archive is being established to acquire, conserve, catalogue, document, research and exhibit Hong Kong films and related material.

Use of country parks by children

367. The Hong Kong Government provides children with recreational and nature education facilities in country parks. In addition to picnic and barbecue sites, camping sites, children's play equipment and shelters, trails are built to provide families and children with easy access to the hills and woodlands where they can enjoy the countryside. The Hong Kong Government provides country park facilities for children to explore the countryside, such as nature trails, tree walks, visitor centres and other interpretative facilities. Programmes including the Community Tree Planting Scheme and the Clean and Green Scheme are organised for children.

Library services

368. The Municipal Councils operate 56 public libraries, six of which are mobile, throughout the territory. They have a total stock of 5.18 million library items. The libraries are open for an average of 56 hours per week. Apart from the usual lending and reference services, audio-visual materials, educational kits and multi-media materials (including computer programmes, CD-ROMs and CD-Interactive programmes) are available for use in the libraries. There are also plans to set up a toy library which will be stocked with educationally and intellectually stimulating toys and multi-media kits. Further details of public library services are given in paragraphs 111 and 112 above, in connection with Article 17 of the Convention.

Summer Youth Programme

369. The Summer Youth Programme provides social, recreational and community activities for the six to 25 years age-group to develop their skills, potential and wholesome interests. It also enhances their sense of responsibility to the community. The Summer Youth Programme Committee is responsible for planning, co-ordinating and organising various summer youth activities. Popular activities include recreation camps, study and training courses, sports and games, fun fairs, variety shows, visits and excursions, outings, competitions, exhibitions and interest groups. The central theme of the 1995 Summer Youth Programme was "Share the fun, serve the community". Between July and September about 12,300 activities were organised, involving 1.23 million young people. The total expenditure on the programme was around $37.5 million. The Royal Hong Kong Jockey Club donated $16 million, and the balance was met by the Hong Kong Government, District Boards, private donations and participants' fees.

Arts, music and physical education in school curriculum

370. Arts and Craft, Music and Physical Education are part of the common-core curriculum for all primary school students, including disabled children.

VIII. SPECIAL PROTECTION MEASURES

A. Article 22 - Refugee and illegal immigrant children

371. In relation to the treatment of children seeking asylum in Hong Kong, and in particular in relation to Article 22 of the Convention, the Committee's attention is drawn to the reservation that was made when the United Kingdom's ratification of the Convention was extended to Hong Kong. That reservation is maintained. However, as stated in the reservation, the practice of the Hong Kong Government in this matter is one that seeks to apply the Convention to the fullest extent practicable. That practice, and its rationale, are described in the following paragraphs.

Screening policy

372. All Vietnamese migrants who arrived in Hong Kong without valid travel documents in the 1970s and the early 1980s and claimed asylum were automatically treated as refugees and resettled overseas. In the mid-1980s, ten years after the unification of Vietnam large numbers of Vietnamese migrants were still arriving in Hong Kong. In response, a screening policy was introduced with effect from 16 June 1988. The purpose of the screening procedure is to determine whether such migrants are refugees as defined under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. The screening policy was incorporated in a Comprehensive Plan of Action which was agreed by over 70 countries at the International Conference on Indo-Chinese Refugees held in 1989. Since 16 June 1988, all Vietnamese migrants arriving in Hong Kong without valid travel documents since 16 June 1988 are informed on arrival that, if

they wish to continue their voyage, they may do so with necessary replenishment of provisions. If they wish to disembark in Hong Kong, they are informed that they will be detained pending determination of their status. Those who are subsequently determined to be refugees are housed in open centres awaiting overseas resettlement. Those who are determined to be non-refugees continue to be detained pending repatriation.

Screening system and procedures

373. The screening system was devised in close consultation with the Office of the United Nations High Commissioner for Refugees (UNHCR) to ensure that it complied with the 1951 Convention and its 1967 Protocol. Vietnamese children who arrive in Hong Kong together with their parents, siblings or relatives are screened as a unit. Those who are under 16 years of age upon arrival without a family are treated as "unaccompanied minors" and are dealt with by the Special Committee for Vulnerable Persons of the UNHCR. The Special Committee makes recommendations for a durable solution in the best interests of the child: either overseas resettlement or return to Vietnam. Under the UNHCR's Family Reunification Programme, an unaccompanied minor will be returned to Vietnam to rejoin his family if the UNHCR determines that this is in the best interests of the child.

374. Those who apply for screening are interviewed by officers of the Immigration Department, using a questionnaire designed in agreement with the UNHCR. They are informed in writing of the outcome of the interview. Anyone who is determined by the Immigration Department to be a non-refugee is advised of his or her right to appeal to the Refugee Status Review Board.

Screening was effectively completed by October 1994. By the end of September 1995, the Refugee Status Review Board had reviewed around 48,580 cases and reversed the decisions of the Director of Immigration in about 2,820 of them.

Rationale of the detention policy

375. The migrants detention policy was introduced in 1988 together with the screening policy to help Hong Kong cope with the large influx of undocumented Vietnamese asylum seekers, over 18,000 in 1988 and 34,000 in 1989. As a small and densely populated territory, Hong Kong is faced with serious resource difficulties in providing accommodation for large and unpredictable numbers of asylum seekers, often at short notice. There is, therefore, a need to exercise some form of control by detaining those who have sought to enter the territory illegally, first pending their status determination and then, if they are determined to be non-refugees, pending their repatriation to Vietnam. Against the backdrop of illegal immigration from China, it would not be possible for the Hong Kong Government to defend a policy which would leave the Vietnamese migrants at liberty, whilst illegal immigrants from China, once caught, are immediately repatriated. Furthermore, such a policy would send an undesirable and misleading message to those in Vietnam who might be contemplating unlawful entry into Hong Kong.

Accommodation, services and rights for Vietnamese migrants

376. Vietnamese who have been identified as non-refugees are housed in detention centres operated by the Hong Kong Government. Basic necessities including food, relief items and medical services are also provided by the Hong Kong Government. The UNHCR is responsible for all social services in the detention centres, such as education, social counselling, operation of information centres about Vietnam.

Education

377. Responsibility for the provision of services including education for the Vietnamese migrants in camps in Hong Kong rests with the UNHCR. Education is provided to children up to the age of 17. Caritas, a non profit-making religious organisation, provides pre-school education. International Social Services, an international NGO based in Geneva, provides primary school education. The curricula are based on those used in Vietnam with Vietnamese as the medium of instruction. English is offered as a second language. Acting on the decision of the Sixth Steering Committee of the International Conference on Indo-Chinese Refugees to further streamline its programmes in the region, the UNHCR decided to terminate secondary education in the camps in the territory at the end of the last school term. It should be noted that secondary education has never been provided in other first asylum countries in the region.

Health care services

378. Health care services available to all children in the detention centres include immunisation programmes for new born babies and infants, clinics and, if necessary, hospitalisation in public hospitals outside the camps.

Legal assistance

379. Throughout the screening process, Vietnamese migrants previously received legal and other counselling provided by UNHCR's lawyers or those appointed through the Agency for Volunteer Service, a local NGO. The UNHCR lawyers were withdrawn in December 1994 with the completion of screening for all the Vietnamese migrants that had arrived up to that time.

Since then, legal counselling has been provided by the Duty Lawyer Service which is operated by the Hong Kong Law Society and the Bar Association. This provides a free legal service to those in need and is funded by the Hong Kong Government. The Duty Lawyer Service assists newly arrived Vietnamese migrants who wish to appeal to the Refugee Status Review Board against a determination of non-refugee status. Vietnamese migrants have the same access to the judicial system and legal aid as any other persons in Hong Kong. There have been a number of court cases in which the Vietnamese migrants have challenged the screening or detention policy. All the cases were brought with legal aid and reached the Court of Appeal in Hong Kong. Several of them are now pending further appeal hearings by the Judicial Committee of the Privy Council in London.

Privacy

380. See paragraph 129 above, in connection with Article 16 of the Convention.

Petitions and complaints

381. See paragraph 72 above, in connection with Article 12 of the Convention.

Leisure Activities

382. Excursion trips outside the detention centres are organised for Vietnamese migrant children by "TREATS", which is a Hong Kong-based NGO specialising in services for under-privileged children.

Accommodation and services for Vietnamese refugees

383. Vietnamese migrants who are determined to be refugees live in open centres operated by the UNHCR. They are allowed to undertake outside work, and are provided with social services through UNHCR-designated NGOs. There is no restriction on their freedom of movement, religion, assembly, expression or correspondence or on their right to legal representation, so long as these freedoms and rights are exercised in accordance with the law.

Education

384. Refugee children receive pre-schooling and primary education in the refugee centres provided by Caritas and International Social Services under the auspices of the UNHCR. The curriculum is specially designed to prepare the refugees for re-settlement.

Health care

385. Health care services for children in the refugee centres are similar to those available to children in detention centres. Services are provided through the UNHCR and by the Hong Kong Government.

Unification of unaccompanied minors with their families

386. An unaccompanied minor arriving in Hong Kong is housed in a detention or refugee centre, depending on the child's status. Adult Vietnamese care-givers are assigned by UNHCR social workers to take care of unaccompanied minors. If the family of the unaccompanied minor subsequently arrives in Hong Kong, arrangements are made to enable the child to re-unite with the family.

Other illegal immigrants

Ex-China Vietnamese illegal immigrants

387. Pending a decision on their repatriation, Vietnamese illegal immigrants arriving from China are detained in closed detention centres similar to those housing Vietnamese migrants. Daily necessities, such as clothing and eating utensils, are provided. Facilities in the centres include dormitories, communal toilets and bathrooms, medical facilities, cooking and dining facilities and vocational training workshops. Those employed in domestic services in the centres are paid in accordance with the rate approved by the Commissioner of Correctional Services.

Chinese illegal immigrant children

388. Illegal immigrant children, once intercepted, are subject to immediate repatriation. They cannot all be given equal access to educational resources, as most are detained only for short periods of one or two days before being repatriated. There have been calls for illegal immigrant children (together with their illegal immigrant mothers where they are detained together) to be released subject to reporting conditions, pending repatriation or the giving of evidence in court. It is the Hong Kong Government's policy to release such children on recognisance unless they will be repatriated shortly. In the first 11 months of 1995, a total of 128 children have been released on recognisance. Children aged between six and 15 years who will have the right of abode in Hong Kong after 1997 may remain in Hong Kong pending decisions on their appeal to be allowed to stay prior to 1997. Unlike other illegal immigrant children, these children may in the meantime be admitted to public or private schools in Hong Kong and have access to other facilities available to children resident in Hong Kong.

B. Article 38 - children in armed conflicts

Article 39 - Physical and psychological recovery and social reintegration

389. Hong Kong is not involved in any armed conflicts. There is no requirement for residents to undertake military service.

C. Article 40 - The administration of juvenile justice

Presumption of innocence

390. Article 11 of the Bill of Rights, as set out in the Bill of Rights Ordinance (Chapter 383), provides that anyone charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

Choice of courts

391. The Juvenile Court has jurisdiction in respect of charges brought against children and young persons aged under 16 years, except in cases involving homicide which are tried in the High Court.

Bilingual charge forms

392. When the Police lay charges against a person or submit a charge sheet to the court, they use English forms to record the person's personal particulars and the charged offence(s). Where necessary, police officers or police interpreters are available to inform the accused, in a language that the accused understands, of the criminal charge(s) that are being laid. A pilot scheme to introduce bilingual charge sheets was introduced

in one police station in April 1994. The scheme was confined to four most commonly used Ordinances (the Crimes Ordinance (Chapter 200), the Theft Ordinance (Chapter 210), the Offences Against the Persons Ordinance (Chapter 212) and the Summary Offences Ordinance (Chapter 228)). The pilot scheme was a success and the Hong Kong Government has decided to extend it to all police stations by late 1995. The computer system which facilitates the preparation of bilingual charge forms went on-line throughout the Police Force in mid-August 1995. At present, the computer database holds more than 400 different charges, with over 2,000 variations, arising from ten Ordinances. A further 200 charges are due to be added by the end of 1995.

Interpretation

393. The Official Languages Ordinance (Chapter 5) provides that a Judge presiding over a court hearing, as well as the lawyers representing the parties, can use either Chinese or English or both of the official languages. It also preserves the right of witnesses and parties to use other languages. The court interpreter provides interpretation as required.

Informing children of charges

394. Children are informed of charges in the same way as adults are informed, i.e. at the time when they are charged and in a language which they understand. A child's parent or guardian is also informed of the charges. Under the Police Superintendents Discretion Scheme, a young offender may be cautioned instead of being charged. Details of this Scheme are given in paragraphs 403 to 405 below.

Interviewing suspects and witnesses under 16 years of age

395. As far as practicable, children and young persons under the age of 16 years, whether suspected of crime or not, should only be interviewed in the presence of a parent or guardian. In the absence of a parent or guardian, a same-sex adult (over 18 years of age) who is not employed by the Police force and who has an interest in the welfare of the child or young person (e.g. a relative or a social worker) may be invited to be present.

396. On occasions when these arrangements are not practicable, the officer-in-charge of the case may authorise the interview to take place without a parent, guardian or other appropriate adult being present, provided that the full circumstances surrounding the interview are recorded in the notebook of the officer, together with a record of the interview itself, including any statement made at it. This record must detail the attempts made to locate persons responsible for the child or young person and the reasons for the decision to proceed at that time. The Police have no power to conduct intimate searches (i.e. of body cavities) of anybody, adult or child.

Legal representation

397. A defendant appearing before a Juvenile Court is entitled to legal representation by a lawyer from the Duty Lawyer Service which is subvented by the Hong Kong Government and is jointly administered by the Law Society of Hong Kong and the Hong Kong Bar Association. Only lawyers with at least 2 years experience will normally be assigned to deal with Juvenile Court cases. The Juvenile Court has a duty to give due consideration to the interests and welfare of the child in question. It is a matter

for the Court to decide whether to request the Official Solicitor to act for the child in the proceedings. There has been criticism that in practice children are not always legally represented. However, the Juvenile Offenders Ordinance (Chapter 226) allows juvenile defendants to be represented by solicitors or counsel. Juvenile defendants can instruct their own lawyers, apply for legal aid or get lawyers from the Duty Lawyers Scheme. They are treated like adult defendants in this respect. Whether they want to be represented or to act in person is a matter of choice on their part. The Hong Kong Government cannot force them to have legal representation if they do not want it.

398. In child welfare cases and child custody proceedings, the views and wishes of the child involved are ascertained by case workers as far as practicable having regard to the child's age, maturity and circumstances. During the proceedings, the Judge may ask for the views of the child to be ascertained, or appoint an Official Solicitor to represent the child.

399. Under the Official Solicitor Ordinance (Chapter 416), the Official Solicitor (the Director of Legal Aid) represents persons under legal disability in court proceedings. She can act as guardian ad litem or act on behalf of children in proceedings involving unclaimed estates, adoption, guardianship or applications for care and protection orders under the Protection of Children and Juveniles Ordinance (Chapter 213) and the Matrimonial Causes Rules (made under the Matrimonial Causes Ordinance (Chapter 179)). Further details concerning the legal representation of children in legal proceedings are given in paragraph 59 above, in connection with Article 3 of the Convention.

Legal aid

400. Legal aid is available to children who are charged with an offence and who are to be prosecuted in the District Court or the High Court, irrespective of the nature of offence and the plea. Aid is also available to children for making bail applications at the District Court level and above, and in connection with appeals in criminal cases. The Director of Legal Aid, in her capacity as the Official Solicitor, acts for children as guardian *ad litem* in proceedings before any court.

Minimum age of criminal responsibility

401. The Juvenile Offenders Ordinance (Chapter 226) provides that the minimum age of criminal responsibility is seven years. There have been calls for this to be increased to ten years, in line with the position in the metropolitan territory of the United Kingdom. The Hong Kong Government considers that the age of criminal responsibility should remain at seven years for the following reasons -

- the majority of juvenile offenders aged below ten years are effectively dealt with under the Police Superintendent's Discretion Scheme (see paragraphs 403 to 405 below);

- it is considered that a child aged seven years and above knows when he or she has committed an offence and should therefore be liable to suitable punishment for it;

- the Juvenile Offenders Ordinance adequately protects children from the full penalties of the law as they apply to adults; and

- organised crime syndicates could conceivably exploit a rise in the age at which a child would be liable to prosecution by coercing or employing young children to act as thieves or drug-runners in the knowledge that they could not be prosecuted. The higher the age of criminal responsibility, the easier it would be for gangsters to exploit children. Though those who use children to commit crimes are themselves subject to prosecution, it is difficult to get a child to admit being so used because of the fear of retribution.

402. The following factors are taken into account in deciding whether to prosecute child offenders aged seven to ten years -

- the seriousness of the alleged offence;

- the age, apparent maturity and mental capacity of the child in question;

- the efficacy of available alternatives to prosecution, particularly a Police Superintendent's discretionary power to issue a caution;

- the sentencing options available to the relevant Juvenile Court if the case was prosecuted;

- the child's family circumstances, particularly whether the parents appear able and prepared to exercise effective discipline and control over the child;

- the child's antecedents, including the circumstances of any previous caution which he or she may have been given, and whether a less formal disposal of the present matter would be appropriate; and

- whether a prosecution would be harmful or inappropriate, having regard to the child's personality and his or her family circumstances.

Alternatives to judicial proceedings

Police Superintendents' Discretion Scheme (PSDS)

403. Under the PSDS, a Police Officer of Superintendent rank or above may, at his discretion, caution a young offender instead of initiating criminal prosecution. In general, a child offender will be considered for cautioning if -

- he or she is under 18 years of age on the date that the caution is administered;

- the evidence is sufficient to support a prosecution;

- he or she admits the offence; and

- he or she and his or her parent(s) or guardian(s) agree to the cautioning.

404. The Superintendent will normally consider the following points before administering a caution:-

- the nature, seriousness and prevalence of the offence;

- the child's record. Only in extenuating circumstances will a second caution be given;

- the attitude of the victim; and
- the attitude of the child's parent(s) or guardian(s).

405. After administering a caution, the Superintendent may instruct post-caution visits to be carried out by officers of the Police Juvenile Protection Scheme and, with the consent of the offender's parent(s) or guardian(s), refer the child to the Social Welfare Department, Education Department or other agencies for aftercare measures. The PSDS covers first-time juvenile offenders involved in non-opiate drug offences.

D. Article 37(b), (c) and (d) - Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings

Detention of Vietnamese migrant children

406. Full information concerning the treatment of detained Vietnamese migrant children is given in paragraphs 371 to 382 above, in connection with Article 22 of the Convention.

Detention in penal institutions

407. Under the Juvenile Offenders Ordinance (Chapter 226), no child under 14 years of age may be sentenced to imprisonment or committed to prison in default of payment of a fine, damages, or costs. Moreover, a person under 16 years of age may not be sentenced to imprisonment for any other offence if he or she can be suitably dealt with in any other way. Young offenders whom the court considers not suitable for admittance to a Detention Centre, a Training Centre or a Drug Addiction Treatment Centre may be sentenced to prison. There is no hard and fast rule on the circumstances under which young offenders are committed to prisons. Generally, it depends on the gravity of the offence.

Separation of young offenders from adults

408. The Committee's attention is drawn to the reservation on this matter that was made when the United Kingdom's ratification of the Convention was extended to Hong Kong. That reservation is maintained. However, in practice, young offenders are kept apart from adults at all times in all penal institutions. In rare cases where it is necessary to admit young prisoners to adult prisons, they are kept separate from the adults. As there is no maximum security prison for high risk young female persons, they are accommodated in an adult female prison, but kept separate from adult prisoners. The institutional programme and routine for these young females are different from those for the adult prisoners.

Length of sentence

409. The following table summarises the general length of sentences for young offenders with regard to different types of offences and institutions:-

Length of Sentence	Offences	Type of Institution
1-6 months	Offences punishable by imprisonment	Detention Centre
2-12 months	Drug addicts guilty of minor offences punishable by imprisonment	Drug Addiction Treatment Centre
6-36 months	Offences punishable by imprisonment	Training Centre
Depends on the gravity of the offence	Offences punishable by imprisonment	Prisons

Types of penal institutions

410. Treatment programmes for offenders are tailored to meet their needs. Four types of institutions for young offenders are available. Details of the institutional programmes, aims and review policies are given in Appendix 7 to this report.

Inmates' rights

Privacy

411. Details of the measures taken to protect the privacy of children in Boys' Homes and Girls' Homes are given in paragraph 128 above, in connection with Article 16 of the Convention.

Access to mail

412. Inmates are at present allowed to receive an unlimited number of letters only from relatives or close friends. In order to bring the position in this respect into conformity with the Bill of Rights, as set out in the Bill of Rights Ordinance (Chapter 383), amendments to the relevant rules will be made to relax this restriction. The limit on the number of outgoing letters will also be relaxed. The Hong Kong Government plans to introduce these amendments in early 1996.

Inmates' petitions and complaints

413. Legal aid is available to young inmates when they request a review of sentence or lodge an appeal. Young persons detained in penal institutions can make use of the following channels to convey their views on any matter regarding treatment in detention or petitions and appeals -

- welfare officers, aftercare officers, personnel officers, or clinical psychologists, who will refer the matter to the institution's senior management for consideration and necessary action;
- prison chaplains, who will provide individual religious support and guidance; and
- correctional educators, who will assist in relation to academic pursuits or vocational training.

414. In addition, detainees may opt to file a complaint outside the detention institution. The channels available for this purpose include -

- the Complaints Investigation Unit of the Correctional Services Department;

- Visiting Justices of Peace, who are persons appointed, having regard to their integrity, honour, ability and willingness and preparedness to serve, to ensure that, amongst other things, the rights of inmates are safeguarded;

- the Independent Commission Against Corruption;

- the Office of the Commissioner for Administrative Complaints (COMAC), who investigates administrative actions taken on behalf of the Hong Kong Government or public authorities and reports grievances suffered by members of the public as a result of maladministration. (A full account of the functions of COMAC is given in paragraphs 36 to 37 of the Core Document (the "country profile") for Hong Kong.)

- Legislative Councillors; and

- the Governor.

415. All prisoners are informed of these avenues of complaints through information booklets, notices posted in the reception offices at the institutions and at interviews with officers of the Correctional Services Department. Staff of the Department are notified of these procedures in the Department's Standing Orders and in departmental circulars.

Promotion of sanctions other than imprisonment and institutional care

416. See paragraphs 403 to 405 above, in connection with Article 40 of the Convention.

E. Article 37(a) - The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment

417. See paragraph 136 above.

F. Article 39 - Physical and psychological recovery and social reintegration

Rehabilitation of juvenile offenders

Rehabilitation of Offenders (Amendment) Bill

418. The Hong Kong Government is drafting a Rehabilitation of Offenders (Amendment) Bill which aims at expanding the scope of the rehabilitation scheme under the Rehabilitation of Offenders Ordinance (Chapter 297) so that more ex-offenders can benefit. The Bill is scheduled to be introduced into the Legislative Council in the 1995-1996 legislative session.

Community Support Service Scheme

419. In October 1994, a new Community Support Service Scheme was introduced by the Social Welfare Department and two NGOs to offer training and social rehabilitative programmes to young offenders and delinquents who are subject to probation orders or reformatory school orders, or who have been cautioned under the

Police Superintendents' Discretionary Scheme or referred by outreaching social workers, school social workers or family caseworkers. The Scheme aims to stimulate those young persons' interest in school or in work and to develop their social skills. Intensive social group work programmes and such activities as counselling groups, job training and placement service, skill learning classes, adventure outdoor activities and programmes for parents have been organised under the Scheme.

Probation orders

420. A probation order can be made with respect to offenders of any age group but is widely used for young offenders. The maximum length of the order is three years, but the average length is six to 18 months. During the probation period, the offender is required to meet the probation officer regularly for counselling, and to study or work as directed by the probation officer. In some cases, the offender may be required to reside in a probation home or a probation hostel during part of the probation period. Probation Homes admit young persons under 16 years of age, and provide five hours daily of academic studies and pre-vocational training, as well as two hours of group training on weekdays only. Probation Hostels admit young male probationers (aged 16 to 20 years), who leave the hostel daily for gainful employment. All young persons who are resident provide community service to the elderly or disabled to develop a sense of civic responsibility.

Reformatory school order

421. Reformatory schools cater for male offenders below 16 years of age who have a longer history of criminal involvement necessitating separation from peers with an unwholesome influence. The maximum period of in-home training is three

years, but normally these offenders are given 12-months in-home training followed by 18-months aftercare. The school offers academic, pre-vocational and community service programmes similar to those provided by Probation Homes and Hostels.

Community service orders

422. Community service orders are available for offenders aged 14 years or above who are convicted of offences punishable by imprisonment. At most, 240 hours can be ordered in 12 months. The offender performs unpaid work, at hospitals, parks or homes for the elderly or disabled, which is aimed at developing a sense of civic responsibility.

G. Article 32 - Economic exploitation, including child labour

Forced or compulsory labour

423. Article 4 of the Bill of Rights, as set out in the Bill of Rights Ordinance, prohibits slavery and the slave trade in all their forms. It also prohibits the holding of persons in servitude and forced or compulsory labour.

Minimum ages of employment

Employment of Children Regulations and related legislation

424. The Committee's attention is drawn to the reservation relating to Article 32.2(b) of the Convention that was entered when the United Kingdom's ratification of the Convention was extended to Hong Kong. That reservation is maintained. However, the law in force in Hong Kong relating to the employment of children does substantially satisfy the

requirements of Article 32. Employment of young persons (i.e. persons who are 15 years of age and over but under 18 years of age) in industrial undertakings is governed by the Women and Young Persons (Industry) Regulations (Chapter 57). The Employment of Children Regulations (Chapter 57 sub.leg.) generally prohibit children under 15 years of age from being employed in industrial undertakings. Other related legislation governs the employment of children in different trades. Details are given in Appendix 10 to this report.

Apprenticeship Ordinance

425. The Apprenticeship Ordinance (Chapter 47) governs apprenticeship of children between 14 and 15 years of age in 42 designated trades, such as those of vehicle mechanic, bamboo scaffolder, plumber and lift electrician. It requires contracts of apprenticeship to be registered with the Director of Apprenticeship, who is the Commissioner for Labour.

Protecting workers from health hazards

Occupational Health Division

426. The Labour Department's Occupational Health Division provides a public advisory service on workers health and workplace hygiene. The Division conducts seminars, exhibitions and other promotional and educational activities. It publishes booklets and reference notes on occupational health and hygiene and the prevention of occupational diseases.

Factory Inspectorate Division

427. The Labour Department's Factory Inspectorate Division seeks to ensure the safety and hygiene of factories, construction sites and other industrial work areas. The Division establishes safety committees, assists in the identification of work hazards and devises safety programmes.

Employees Compensation Ordinance

428. The Employees Compensation Ordinance (Chapter 282) provides for employees to receive compensation for workplace accidents. This covers medical expenses, prostheses and surgical appliances, permanent total incapacity and death. Employers who do not make timely full compensation payments are liable to fines.

Entitlement to sick leave

429. The Employment Ordinance (Chapter 57) provides for employees who have worked continuously for their employers for one month or more to be entitled to sick leave, subject to certification by a registered medical practitioner (including a dentist). This applies to all employees regardless of age. The minimum sickness allowance is two-thirds of normal pay. There is a maximum fine of $10,000 for employers who breach the provisions of the Ordinance. There are plans to increase the level of the fine and to make it an offence for an employer to dismiss an employee in certain circumstances.

Freedom to join trade unions

430. See paragraphs 123 and 124 above, in connection with Article 15 of the Convention.

H. Article 33 - Drug abuse

Increase in number of young drug abusers

431. According to statistics from the Central Registry of Drug Abuse (CRDA), the percentage of drug abusers below 18 years of age in the population remains fairly low. However, there has been an increase over the past five years. The number of reported young drug abusers aged 11 to 17 years per thousand of the population increased from 0.96 in 1989 to 3.78 in 1994. The number of newly-reported young drug abusers rose from 484 in 1989 to 1,653 in 1994. In the first half of 1995, 1,107 (or 9%) of all individuals reported to the CRDA were aged under 18 years. Of these, 622 were made known to the CRDA for the first time : 67% took heroin, 19% cannabis and 14% cough medicine.

Reasons for initial drug use

432. The reasons for drug abuse are varied and complex. A number of studies have shown that curiosity, identification with peers and relief of boredom are the three main reasons for initial drug use. Only a minority of drug abusers claim to have started drugs for mystical experience or self-medication. According to school surveys conducted by the Narcotics Division of the Security Branch, curiosity ranks as the most important reason for trying drugs. There has been an increase in the number of drug abusers in Chinese-speaking schools who turned to drugs for relief of boredom : 20% in 1992, up from 11% in 1990. The percentage of those who started drugs under peer influence also rose, from 15% in 1990 to 19% in 1992.

Young Drug Abusers Survey

433. According to the Survey on Young Drug Abusers conducted by the Narcotics Division, 13% of the sampled young drug abusers think that heroin is not dangerous and 19% think likewise about psychotropic substances. 60% of the sampled drug abusers think that they can control their drug-taking habit. An increasing proportion of abusers do not consider that taking psychotropic substances is dangerous and make no attempt to give up their drug-taking habit.

Government actions to tackle drug abuse among adolescents

434. The Hong Kong Government has adopted a multi-faceted approach aimed at reducing the supply of drugs and the demand for them. 240 participants from different sectors of the community participated in the first Governor's Summit Meeting on Drugs held in March 1995 to plan a community-wide education and support effort to try halt the growing trend of drug abuse by young people. At the Summit, the Governor launched a Beat Drugs Campaign and announced the Hong Kong Government's 26-point Forward Action Plan to tackle the drug problem. Other proposals put forward by participants were subsequently examined by a Special Action Group of the Action Committee Against Narcotics. A further 42-point action plan was formulated to follow-up these proposals. Summit participants are kept informed of the progress via quarterly progress reports.

Combating drug supply

Legislation

435. The Dangerous Drugs Ordinance (Chapter 134) requires medical practitioners and authorised pharmacies to comply with strict requirements governing the procurement and supply of dangerous drugs. The Ordinance also controls the import of codeine, which is used for the manufacture of cough medicine. The Pharmacy and Poisons Ordinance (Chapter 138) imposes controls on the supply of pharmaceutical products. The Drug Trafficking (Recovery of Proceeds) Ordinance (Chapter 405) provides for the tracing, freezing and confiscation of proceeds from drug trafficking. It also provides for the registration and enforcement of confiscation orders made in other jurisdictions. The legislation is kept under regular review to ensure that it is effective and up-to-date. The Poisons List (Amendment) Regulation (made under the Pharmacy and Poisons Ordinance (Chapter 138)) imposes tight control over pharmaceutical products containing codeine or dextromethorphan, irrespective of the concentration.

Joint effort of government departments

436. The Department of Health, the Police and the Customs and Excise Department play crucial and complementary roles in reducing the supply of illicit drugs. The Department of Health has strengthened law enforcement action with respect to retail drug premises in close collaboration with the Police and the Customs and Excise Department. A special task force has been set up to focus on drug retail outlets. The number of test purchases conducted in 1994 was 6,128, compared with 248 in 1993.

Preventive, education and publicity programmes

Action Committee Against Narcotics (ACAN)

437. The Action Committee Against Narcotics runs preventive education and publicity programmes to prevent drug abuse among young people. The programmes mainly comprise school talks, seminars, community involvement projects, promotions, education and publicity through the mass media, and educational materials. In the 1995-1996 financial year, the ACAN and the Government Information Services Department set aside approximately $5.5 million for preventive education and publicity programmes. These include school talks, workshops for teachers, a seminar for social workers, community involvement projects, a television show, radio shows, public interest announcements, an International Anti-drug Day exhibition, a hotline service, cinema advertisements and printed publicity materials.

Drugs hotlines

438. The Narcotics Bureau hotline number is advertised in all press releases relating to drug seizures. It is also publicised in Police television programmes. The Customs and Excise Department also has a telephone hotline to encourage members of the public to report information related to illicit drugs. Another hotline has been set up by the Department of Health to report information related to the illegal sale of drugs at pharmacies. It also operates a computerised drug and pharmaceutical information telephone hotline to promote public awareness of the importance of proper drug use.

Drug education in schools

439. Drug education is an integral part of the school curriculum. Teachers provide information to students on substance abuse and its effects and cultivate in students a healthy and positive attitude towards life. The Hong Kong Government reinforces these messages through regular talks given by the Narcotics Division at all secondary schools, technical institutes and to Primary six students.

440. To further enhance and improve drug education in schools, the Hong Kong Government has

- organised training workshops for secondary school teachers on the Drug Education Teaching Kit;
- arranged talks for some 4,700 parents during the 1995-1996 academic year with the co-operation of parent-teacher associations and principals of secondary schools; and
- organised a series of radio shows to spread anti-drug messages to youngsters during the summer vacation.

The Working Group on Services for Youth at Risk

441. The Working Group on Services for Youth at Risk, chaired by the Director of Social Welfare, has examined the issue of illicit use of drugs among young persons. The recommendations made by it that have been implemented include the production of a video for parents, the organising of a series of training programmes to equip front-line social workers and other related professionals with up-to-date knowledge of drugs and skills to help them work with young drug abusers, programmes at children and youth centres, and the incorporation of anti-drug messages into school social worker service, outreach social work service, and family life education.

Measures undertaken by the Police

442. The Police conduct regular checks of drug blackspots frequented by young abusers. They work with the Department of Health to collate intelligence and conduct raids against the illegal supply of drugs at pharmacies and clinics.

Treatment and rehabilitation

443. Voluntary treatment services are available from Hong Kong Government-funded programmes including an out-patient methadone programme organised by the Department of Health, a voluntary in-patient treatment programme run by the Society for the Aid and Rehabilitation of Drug Abusers (SARDA), and a counselling centre run by the Hong Kong Christian Services. In the 1995-1996 financial year, the Hong Kong Government set aside $90.2 million for these services. The Correctional Services

Department operates a compulsory drug addiction treatment centre programme for convicted illicit drug users. (Details are to be found in Appendix 7 to this report.) In addition, a number of voluntary agencies, mainly Christian therapeutic agencies, operate treatment programmes for young drug abusers and provide rehabilitation, after-care and counselling services to drug-addicts and ex-drug addicts. The Hong Kong Government supports voluntary agencies in various practical ways: assisting with accommodation, publicity for their services in the Hong Kong Government publications, regular meetings to exchange views and information and helping drug addicts obtain grants from charities.

444. More treatment facilities have been made available for drug abusers. Six substance abuse clinics in hospitals have been set up by the Hospital Authority to provide medical services to psychotropic substance abusers. A new SARDA-operated counselling centre for psychotropic substance abusers, known as "Direction", has also commenced service. SARDA is planning to establish a new treatment centre specifically designed for young opiate drug abusers. The Hong Kong Government is also committed to establishing two more residential treatment centres for young opiate drug abusers and an additional out-patient counselling centre for psychotropic substance abusers.

The "Comprehensive Multi-disciplinary Outline"

445. The International Conference on Drug Abuse and Illicit Trafficking held in June 1987 adopted a "Comprehensive Multi-disciplinary Outline of Future Activities in Drug Abuse Control". The Outline, a compendium of practical action items for governments, inter-governmental organisations and non-governmental organisations in combating drug abuse and illicit trafficking, was endorsed by the Action Committee Against Narcotics as the reference document for the development of policies against drug abuse and illegal trafficking. The Hong Kong Government has taken action as recommended in the Outline. It is considered that the multi-faceted approach to dealing with the problem of youngsters' drug abuse should continue and that the Hong Kong Government should constantly seek and give effect to new initiatives to tackle the problem.

J. Article 34 - Sexual exploitation and sexual abuse

Child involvement in unlawful sexual activities and pornographic performances

446. In 1993, there was a sudden surge in the number of underage girls working in vice-related entertainments, especially karaoke establishments. In response, the Police Force conducted frequent inspections to round up these girls. This resulted in a marked drop in the known number of underage girls working in such establishments: from 1,208 in 1993 to 670 in 1994.

Sexual abuse statistics

447. The level of reported child sexual abuse cases has increased substantially over the last five years, both in absolute terms and as a proportion of total child abuse cases, as shown by the following table -

Year	Total number of abuse cases	Child abuse cases (% of the total)
1990	462	9 (2%)
1994	450	77 (17%)

Publicity programmes to prevent sexual exploitation and sex-related crimes

448. The Hong Kong Government is committed to tackling and preventing sex-related crimes. The Commissioner of Police's Directive on Law Enforcement, Policies and Priorities gives priority to prosecuting organisations and persons profiting from prostitution. Particular priority is given to tackling the procurement or exploitation of children and young persons. The Police Public Relations Bureau regularly provides advice to the community, through radio and television programmes, on how to avoid or respond to sex-related crimes. The Police institute special patrols by both uniformed and plain-clothes officers in areas identified as black spots for sex-related crimes.

Treatment, handling and protection of sexually-abused or exploited children

449. A group of women police officers are specially trained to handle victims of sexual abuse cases. In each reported case of rape or other serious sexual offence, arrangements are made to ensure that a member of the group is present to assist the victim. If one is not available, the victim will be interviewed by another woman police officer. A woman officer is required to remain with the victim throughout the initial investigation. All police officers are trained to recognise the special needs of sexual offence victims and the importance of appropriate treatment. Immediate medical examination and treatment at hospitals are available for victims of rape and indecent assault.

450. Where necessary, the Police may refer a sexual offence victim to the Social Welfare Department for counselling. If the victim is under 12 years of age, a Police Clinical Psychologist may refer the victim to a Child Assessment Centre, run by the Department of Health, which provides counselling.

451. Information concerning court orders related to child care and protection is given in paragraphs 55 to 59 above, in connection with Article 3 of the Convention. Legislative provision has been made to minimise the trauma of testifying in court by young persons: see paragraphs 34 to 36 above. Information concerning the handling of child abuse cases, the treatment of abused children and public education on child abuse is given in paragraphs 199 to 216 above, in connection with Articles 19 and 39 of the Convention.

Penalties for child abusers

452. See paragraphs 214 to 216 above, and also Appendix 11 to this report.

J. Article 35 - Sale, trafficking and abduction Child abduction in cases of divorce or separation

453. See paragraphs 197 and 198 above, in connection with Article 11 of the Convention.

Legislation governing sale and abduction of child

454. The Crimes Ordinance (Chapter 200) provides that any person who unlawfully takes an unmarried girl under the age of 16 years out of the possession of her parent or guardian is liable to imprisonment for five years. The Ordinance also provides that any person who unlawfully abducts an unmarried girl under the age of 18 years with the intention that she shall have unlawful sexual intercourse with men or with a particular man is liable to imprisonment for seven years. Bringing a person into or taking a person out of Hong Kong for the purpose of prostitution also amounts to an offence under the Ordinance. The Offences Against the Person Ordinance (Chapter 212) prohibits the selling and kidnapping of any person, including a male or female child; the maximum penalty is life imprisonment. The Ordinance also prohibits the unlawful taking away of any child under the age of 14 years with intent to deprive the child's parent or guardian of the possession of the child; the offender is liable to imprisonment for seven years.

K. Article 30 - Children belonging to a minority or an indigenous group

455. Article 23 of the Bill of Rights, as set out in the Bill of Rights Ordinance (Chapter 383), guarantees to all persons belonging to ethnic, religious or linguistic minorities the right, in community with other members of their group, to enjoy their own culture, to practise and profess their own religion and to use their own language. Minority children who do not speak Cantonese normally study in schools with instruction in their mother tongue. Information about schools offering instruction in English, French, German, Korean and Japanese are given in paragraphs 331 and 332 above, in connection with Article 28 of the Convention. See also the information about guarantees for religious freedom which is given in paragraphs 118 to 120 above, in connection with Article 14 of the Convention.

Appendix 1

Programmes and initiatives undertaken by the Committee on the Promotion of Civic Education to promote awareness of children's rights

(a) Community participation scheme

This is a scheme to encourage voluntary agencies or community bodies to organise their own civic education and human rights education projects. Up to April 1995, 64 projects with a total sponsorship of $2.5 million were on human rights education. 19 of these projects were specifically focused on children, costing about $634,000.

(b) Production of teaching kits

2,000 copies of the human rights teaching kits were distributed to district civic education bodies, voluntary agencies, secondary schools and public libraries in November 1993. In addition, a workshop to promote the teaching kits was arranged. Another 800 copies were reprinted for distribution in December 1994. A teaching kit for primary schools will be available in early 1996.

(c) Civic education exhibitions

Civic Education Exhibitions were held in August, September and November 1995. Their main theme was human rights education. Activities included games, dramas and video shows.

(d) Series of one-minute television programmes on civic education

A 60-episode series of one-minute television programmes on civic education has been produced. One third of the programmes (20 episodes) covers human rights topics, such as children's rights and the extension of the Convention on the Rights of the Child to Hong Kong.

(e) Human rights video

A 24-minute human rights video featuring basic concepts and principles of human rights through daily life cases was distributed to secondary schools and voluntary agencies in 1995. The contents include children's rights with an emphasis on freedom of speech and the right to privacy.

(f) Promoting rights through songs

The Committee on the Promotion of Civic Education is working with the Hong Kong Children's Choir to produce a compact disc with songs on human rights for release in 1996. Two of the songs are specifically about children's rights. They will be premiered at the Choir's annual gala concert in November 1995.

(g) Other initiatives

In early-1996, the Committee on the Promotion of Civic Education and the Hong Kong Committee for UNICEF will jointly organise a slogan competition to promote the rights of the child. There is also a proposal to produce a set of bookmarks with cartoons illustrating the articles of the Convention on the Rights of the Child.

Provision of child care services

	Provision in 1991-92	Provision in 1994-95	Provision in 1995-96
Government and aided day nursery places	20 755 places	23 768 places	25 503 places
Aided day crèches places	947 places	1 440 places	1 750 places
Occasional child care units	50 units	135 units	210 units
Home help teams	64 teams	100 teams	114 teams
Family aide workers	4 workers	23 workers	45 workers
Family Activity and Resource Centres		19 centres	19 centres

Release:

upon Board's satisfaction with inmate's institutional performance and the inmate securing suitable employment or a place in school

Post-institutionalisation statutory supervision:

one year, monitored by aftercare officers

Breach of Supervision Order:

may be recalled for further detention until the expiry of six months from first admission or three months from arrest, whichever is the later

Training Centres

(Training Centres Ordinance (Chapter 280))

Age: 14-20 years

Offence: criminal

Length of sentence: six months to three years

Institutional programme(s):

- half-day education in primary to secondary level classes. Inmates are encouraged to participate in public examinations.
- half-day vocational training in typewriting, food and beverage services, refrigeration and air-conditioning, printing, plumbing, electrical fitting and installation etc.

- throughcare and aftercare involving inmates' families

Aim(s):

- to develop good work habits and skills which would help secure employment after release

Review:

monthly Board of Review chaired by Senior Superintendent (Young Offenders) of the Police

Release:

upon Board's satisfaction that inmate has reached peak institutional performance and upon arrangements for suitable employment or a place in school. Arrangements are made for inmates who wish to continue their vocational training to further their training in the Vocational Training Council or the Construction Industry Authority.

Post-institutionalisation statutory supervision:

three years

Breach of Supervision Order:

may be recalled for further detention until the expiry of three years from first admission or six months from arrest, whichever is the later.

Young Prisoners Programme

Criminal Procedure Ordinance (Chapter 221))

Age: 14-20 years

Institutional programme(s):

- half-day education. Study modules cover general academic subjects such as Chinese, English, Mathematics, Social Studies, Moral and Civic Education and commercial courses leading to public examinations in book-keeping, typewriting and accounting. Inmates are encouraged to participate in public examinations.
- half-day vocational training in craft skills, telecommunications, plumbing and pipe-fitting, food and beverage service, refrigeration and air-conditioning, technical drawing, general engineering, practical word processing and electronics and electricity.
- throughcare and aftercare, Never Again Association gatherings involving inmates' families

Aim(s):

- to cultivate good work habits and prepare for fulfilling employment upon release
- to equip inmate with a level of skills training commensurate with aptitude and capacity
- to develop confidence, satisfaction and self respect
- to facilitate re-integration into community upon release and to refrain from crime

Breach of supervision order:

may be recalled for imprisonment for a period equivalent to the amount of remission earned

Drug addiction treatment centre programme

(Drug Addiction Treatment Centres Ordinance (Chapter 244))

Age: 14 years and above

Offence: punishable by imprisonment

Length of sentence: two to 12 months

Institutional programme(s):

- medical treatment for drug withdrawal, check-ups, recreational activities, physical education
- work therapy, individual and group counselling
- compulsory remedial education for young addicts
- aftercare team offering support and guidance, family involvement

Aim(s):

- to improve health and mental development
- to develop good work habits
- to build self-confidence and a sense of responsibility

Review:

Board of Review chaired by Senior Superintendent discusses the case during second month, and at least once every two months after first interview, and thereafter, monthly

Post-institutionalisation statutory supervision:

one year statutory supervision to assist re-integration into society

Breach of supervision order:

may be recalled for treatment until the expiry of 12 months from first admission or four months from arrest, whichever is the later

Appendix 3

Number of children placed in residential care as at 31 March 1995

		UNDER 6			6 AND ABOVE			TOTAL		
		Boys (A)	Girls (B)	Sub-Total (C=A+B)	Boys (D)	Girls (E)	Sub-Total (F=D+E)	Boys (A+D)	Girls (B+E)	Total (C+F)
Non-institutional	Foster Care	85	89	174	105	95	200	190	184	374
	Small Group Homes	2	0	2	284	270	554	286	270	556
	Sub-total (1)	87	89	176	389	365	754	476	454	930
Institutional	Children's Homes	2	3	5	141	203	344	143	206	349
	Boys' Homes	0	0	0	277	0	277	277	0	277
	Boys' Hostels	0	0	0	187	0	187	187	0	187
	Gitls' Homes	0	0	0	0	130	130	0	130	130
	Girls' Hostels	0	0	0	0	43	43	0	43	43
	Residential Crèches	85	78	163	0	0	0	85	78	163
	Residential Nurseries	50	73	123	0	0	0	50	73	123
	Sub-total (2)	137	154	291	605	376	981	742	530	1,272
	Total (1+2)	224	243	467	994	741	1,735	121	984	2,202

Supportive educational services for disabled children

(a) Special schools for the blind - a low vision training programme to maximise students' use of their visual ability; orientation and mobility training helps students get around more independently;

(b) Special schools for the deaf - visiting audiologists advise teachers, students and parents on the use of hearing aids and amplification equipment as well as on educational placements;

(c) Special schools for the physically handicapped and the severely mentally handicapped children - in-school physiotherapists and occupational therapists improve students' mobility and develop their motor co-ordination;

(d) Special schools for the mentally handicapped, the deaf and the physically handicapped children - speech and language training programmes develop the speech and communication abilities of students; and

(e) All special schools with secondary classes - resource teachers look after library service, Computer Education, Moral Education, Sex Education and School Leavers' Programmes.

Rates of assistance for children under the Comprehensive Social Security Assistance Scheme in 1995

	Single person HK$ per month	Family member HK$ per month
Disabled child		
50% disabled	$2,410	$2,105
100% disabled	$2,865	$2,555
Requiring constant attendance	$3,910	$3,610
Able-bodied child	$1,810	$1,505

Indices of wages, consumer price index (A) and foodstuff

Year	Nominal wage index Sept (92 = 100)	CPI (A) all items (Oct 89-Sept 90 = 100)	CPI (A) foodstuff (Oct 89-Sept 90 = 100)
1985	49.6	72.8	71.4
1986	52.7	74.9	72.3
1987	57.6	79.0	75.7
1988	63.4	84.9	83.0
1989	71.1	93.5	93.2
1990	79.9	102.6	102.5
1991	88.8	114.5	114.1
1992	97.5	125.2	124.1
1993	108.0	135.9	133.1
1994	118.5	146.9	141.6
Increased by (1985 1994)	+139%	+ 102%	+ 98%

Appendix 7

Institutions for young offenders

Detention centres

(Detention Centres Ordinance (Chapter 239))

Age: 14-25 years

Length of sentence: one to six months

Institutional programme(s):

- work skills, physical education training, high standard of discipline
- custodial officers, throughcare and aftercare, Never Again Association gatherings involving inmates' families

Aim(s):

- to instil respect for the law
- develop self respect
- raise awareness of neglected capabilities in legitimate pursuits
- learn to live with others in harmony

Review:

monthly Board of Review chaired by Senior Superintendent (Young Offenders) of the Police

Examples of international education conferences and courses attended by Hong Kong delegates

- Attachment training on recent curriculum development projects from 13 September to 7 November 1992 in Singapore and Sydney, Melbourne and Adelaide, Australia.

- "34th International Mathematical Olympiad" from 13 to 24 July 1993 in Istanbul, Turkey.

- Attachment to Scottish Office, Education Department from 16 to 30 March 1994 in Scotland, UK.

- "Improving Teacher Effectiveness Through Performance Management (A Course in Management Training for Educational Administrators)" from 20 to 29 June 1994 in Darwin, Australia.

- Host for "35th International Mathematical Olympiad" from 8 to 20 July 1994 in Hong Kong.

- Course on the concept and practice of English Language Teaching from September to October 1994 (approximately 6 weeks) in Singapore.

- Special course on using drama, poetry and the media from 4 October to 6 December 1994 in the UK (Institute of Education, University of London).

- "Reebok Sports Conference: The Challenge of Change" on 18 February 1995 in Hong Kong.

- "Teacher Education in Second Language Teaching" from 14 to 16 March 1995 in Hong Kong.

- "Association for Supervision and Curriculum Development Conference" from 25 to 30 March 1995 in USA.

- "American Educational Research Conference" from 17 to 21 April 1995 in USA.

- National conference on quality of primary school mathematics education from 25 to 28 April 1995 in Shenzhen, China.

- "2nd International Conference on Moral Education" from 5 to 8 July 1995 in Sydney, Australia.

- "Making In-service Education Effective" from 10 to 20 July 1995 in the UK.

- "Reconstructing the Curriculum - Choosing the Future" from 11 to 14 July 1995 in Melbourne, Australia.

- "International Conference on Teacher Education: Innovative Alternatives for the 21st Century" from 11 to 14 July 1995 in Thailand.

- "36th International Mathematical Olympiad" from 14 to 25 July 1995 in Toronto, Canada.

- "7th Biennial Conference of the International Study Association on "Teacher Thinking" from 30 July to 3 August 1995 in Canada.

- "Extending English language Teaching Skills: a Practical Approach" from 31 July to 18 August 1995 in the UK.

- "Teaching English to Young Learners: Current Perspectives" from 27 August to 8 September 1995 in the UK.

Appendix 9

Secondary school syllabuses with human rights elements

History

Level	Topics	Estimated No. of alloted periods (35-40 minutes each)
Secondary 1	Life in Ancient Greece and Rome	8
Secondary 2	Life in the Medieval Ages and the Renaissance	13
Secondary 3	Major Intellectual Trends in Modern Times	11
Secondary 4-5	The American War of Independence and Constitution; The French Revolution; The Nationalist Movements in Europe; The Development of Parliamentary; Government in Britain; The United Nations	35

Economic and Public Affairs

Secondary 1-3	Citizenship - Rights and responsibilities of a citizen	4
Secondary 4-5	The Individual as a Citizen - rights and obligations of citizens - Bill of Rights in Hong Kong	8

Government and Public Affairs

Secondary 4-5	Government and the People - Fundamental rights and obligations of citizens	6
Secondary 6-7	Basic Political Concepts: Democracy	10

Social Studies

Secondary 1-3	The Local Community - Role of a citizen, civic rights and civic responsibilities	5

Liberal Studies

Secondary 6-7	Hong Kong Studies - The legal system and enforcement of law Modern World - The contribution of the UN agencies	8

Ethics and Religious Studies

Secondary 6-7	Personal and Social Issues - Basic human rights, meaning of life and death	5

Appendix 10

Legislation prescribing minimum ages of employment

Employment of Children Regulations (Chapter 57)

Place of work: industrial undertakings
Applicable to: persons under 15 years of age
Aim: to prohibit employment which would interfere with a child's schooling or would endanger its moral and physical health.
Maximum fine: $25,000
Exceptions: children aged 13 and 14 years may be employed in non-industrial establishments provided they attend full-time schooling if they have not yet completed Secondary three and subject to other restrictions aimed at protecting their safety, health and welfare.

Dutiable Commodities (Liquor) Regulations (Chapter 109)

Place of work: premises licensed to sell liquor
Applicable to: young persons under 15 years and females under 18 years
Aim: to prohibit young persons from working in premises that sell liquor
Exceptions: females between 15-18 years may work in premises from 6 a.m. to 8 p.m. with written permission from authorities

Employment of Young Persons and Children at Sea Ordinance (Chapter 58)

Place of work: any vessel
Applicable to: young persons under 15 years of age
Aim: to prohibit employment of children under 15 years of age as a member of the crew of a vessel

Exceptions: vessels upon which only family members are employed

Women and Young Persons (Industry) Regulations (Chapter 75)

Place of work: industrial undertakings

Applicable to: young persons from 15-17 years of age

Aim: to regulate hours of work and rest periods. Standard working hours are eight per day and 48 per week. At least half an hour of rest after five hours' continuous work. Overtime employment, underground work in mines and quarries, or in industrial undertakings involving tunnelling operations, carrying loads unreasonably heavy for the young persons' age and physical development are prohibited. Maximum load for a young person under 16 years of age is 18 kg. Males under 16 years of age and all females are not to be employed in any dangerous trade specified in Schedule 1 to the Factories and Industrial Undertakings Ordinance (Chapter 59).

Exceptions: Work hours may exceed standard if total does not exceed 96 hours in any two consecutive weeks or ten hours per day. Young persons aged 16 and 17 years are permitted to work shifts until 11 p.m. with suitable rest and dining arrangements. Males aged under 16 years and females require written permission from the Commissioner for Labour for employment in any dangerous trade listed in Schedule 1 to Factories and Industrial Undertakings Ordinance (Chapter 59).

Factories and Industrial Undertakings Regulations (Chapter 59)

Place of work: factories and industrial undertakings
Applicable to: young persons and women
Aim: to ensure provision of fencing around dangerous areas, adequate lighting and ventilation for fumes and dusts, cleaning and maintenance of floors and work benches and a minimum space of seven cubic metres per person. Women and young persons are prohibited from cleaning dangerous machinery.
Maximum fine: $50,000

Factories and Industrial Undertakings Regulations (Woodworking Machinery) (Chapter 59)

Place of work: factories and industrial undertakings
Applicable to: young persons under 16 years of age
Aim: to prohibit young persons from operating woodworking machines and to ensure provision of unobstructed and well-maintained floors and surroundings in workrooms, adequate guarding/maintenance of woodworking machines.
Maximum fine: $50,000

Factories and Industrial Undertakings Regulations (Asbestos) Special Regulations (Chapter 59)

Place of work: asbestos processing
Applicable to: young persons
Aim: to prohibit young persons from being employed in asbestos processing, to regulate use of certain types of asbestos and to control the asbestos working processes.
Maximum fine: $50,000

Factories and Industrial Undertakings Regulations (Guarding and Operation of Machinery) Regulations (Chapter 59)

Place of work: factories and industrial undertakings with dangerous machinery
Applicable to: young persons
Aim: to prohibit young persons from operating certain types of dangerous machinery and to require dangerous machinery to be effectively guarded
Maximum fine: $50,000

Factories and Industrial Undertakings (Cartridge-operated Fixing Tools) Regulations (Chapter 59)

Place of work: factories and industrial undertakings
Applicable to: young persons under 18 years of age
Aim: to prohibit young persons from operating cartridge-operated fixing tools and to prescribe operational safety requirements, personal safety equipment and operator training for such tools
Maximum penalty: $50,000

Factories and Industrial Undertakings Regulations (Suspended Working Platforms) Regulations (Chapter 59)

Place of work: suspended platforms for carrying persons to work at height
Applicable to: young persons under 18 years of age
Aim: to prohibit young persons from working on such platforms and to ensure general safety features, testing and examination, and proper use of suspended platforms
Maximum penalty: $200,000 and 12 months' imprisonment

Factories and Industrial Undertakings Regulations (Lifting Appliances & Lifting Gears) Regulations (Chapter 59)

Place of work: industrial undertakings
Applicable to: young persons under 18 years of age
Aim: to prohibit young persons from operating lifting appliances and lifting gears and to prescribe the operational safety requirements for the appliances.
Maximum penalty: $200,000 and 12 months' imprisonment

Construction Sites (Safety) Regulations (Chapter 59)

Place of work: construction sites
Applicable to: young persons under 18 years of age
Aim: to prohibit young persons from working on suspended platforms and to ensure general safety features, testing and examination, and proper use of suspended platforms for carrying persons to work at height.
Maximum penalty: $200,000 and 12 months' imprisonment
Exceptions: apprentices under 18 years of age employed at that site or having completed an apprenticeship training under the Apprenticeship Ordinance (Chapter 47) or who are undergoing on-site training or who have completed a training course approved by the Construction Industry Training Authority.

Provisions under the Crime Ordinance (Chapter 200) relating to sexual abuse, and the prescribed penalties

Offence		Maximum Penalty
Section 118	Rape	Imprisonment for life
Section 118A	Non-consensual buggery	Imprisonment for life
Section 118B	Assault with intent to commit buggery	Imprisonment of 10 years
Section 118C	Homosexual buggery with or by man under 21 years of age	Imprisonment for life
Section 118D	Buggery with girl under 21 years of age	Imprisonment for life
Section 118E	Buggery with defective	Imprisonment for 10 years
Section 118F	Homosexual buggery committed otherwise than in private	Imprisonment for 5 years
Section 118G	Procuring others to commit homosexual buggery	Imprisonment for 2 years
Section 118H	Gross indecency with or by man under 21 years of age	Imprisonment for 2 years
Section 118I	Gross indecency by man with male defective	Imprisonment for 2 years

Section 118J	Gross indecency by man with man otherwise than in private	Imprisonment for 2 years
Section 118K	Procuring gross indecency by man with man	Imprisonment for 2 years
Section 121	Administering drugs to obtain or facilitate intercourse	Imprisonment for 14 years
Section 122	Indecent assault	Imprisonment for 10 years
Section 123	Intercourse with girl under 13 years of age	Imprisonment for life
Section 124	Intercourse with girl under 16 years of age	Imprisonment for 5 years
Section 125	Intercourse with defective	Imprisonment for 5 years
Section 126	Abduction of unmarried girl under 18 years of age for sexual intercourse	Imprisonment for 7 years
Section 127	Abduction of unmarried girl under 18 years of age for sexual intercourse	Imprisonment for 7 years
Section 128	Abduction of defective from parent or guardian for sexual act	Imprisonment for 7 years
Section 129	Trafficking in persons to or from Hong Kong	Imprisonment for 7 years

Section 130	Control over persons for purpose of unlawful sexual intercourse or prostitution	Imprisonment for 14 years
Section 131	Causing prostitution	Imprisonment for 7 years
Section 132	Procurement of girl under 21 years of age	Imprisonment for 5 years
Section 133	Procurement of defective	Imprisonment for 5 years
Section 134	Detention for intercourse or in vice establishment	Imprisonment for 14 years
Section 135	Causing or encouraging prostitution of, intercourse with, or indecent assault on girl or boy under 16 years of age	Imprisonment for 5 years
Section 136	Causing or encouraging prostitution of defective	Imprisonment for 10 years
Section 137	Living on earnings of prostitution of others	Imprisonment for 5 years
Section 139	Keeping a vice establishment	Imprisonment for 7 years
Section 140	Permitting girl or boy under 13 years of age to resort to or be on premises or vessel for intercourse	Imprisonment for life

Section 141	Permitting young person to resort to or be on premises or vessel for intercourse, prostitution, buggery or homosexual act	Imprisonment for 14 years
Section 142	Permitting defective to resort to or be on premises or vessel for intercourse, prostitution, or homosexual act	Imprisonment for 10 years
Section 143	Letting premises for use as a vice establishment	Imprisonment for 2 years
Section 144	Tenant etc permitting premises or vessel to be kept as a vice establishment	Imprisonment for 2 years
Section 145	Tenant etc permitting premises or vessel to be used for prostitution	Imprisonment for 2 years
Section 146	Indecent conduct towards child under 16 years of age	Imprisonment for 5 years
Section 147	Soliciting for an immoral purpose	Imprisonment for 6 months
Section 148	Indecency in public	Imprisonment for 6 months